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ENVIRONMENTAL ASSESSMENT BOARD

VOLUME: 273

DATE: Monday, January 7, 1991



BEFORE:

A. KOVEN

CHAIRMAN

E. MARTEL

MEMBER

FOR HEARING UPDATES CALL (COLLECT CALLS ACCEPTED) (416) 963-1249

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HEARING ON THE PROPOSAL BY THE MINISTRY OF NATURAL
RESOURCES FOR A CLASS ENVIRONMENTAL ASSESSMENT FOR
TIMBER MANAGEMENT ON CROWN LANDS IN ONTARIO

IN THE MATTER of the Environmental
Assessment Act, R.S.O. 1980, c.140;

- and -

IN THE MATTER of the Class Environmental
Assessment for Timber Management on Crown
Lands in Ontario;

- and -

IN THE MATTER OF a Notice by the
Honourable Jim Bradley, Minister of the
Environment, requiring the Environmental
Assessment Board to hold a hearing with
respect to a Class Environmental
Assessment (No. NR-AA-30) of an
undertaking by the Ministry of Natural
Resources for the activity of timber
management on Crown Lands in Ontario!

Hearing held at the offices of the Ontario
Highway Transport Commission, Britannica
Building, 151 Bloor Street West, 10th Floor,
Toronto, Ontario, on Monday, January 7,
1991, commencing at 10:30 a.m.

VOLUME 273

BEFORE:

MRS. ANNE KOVEN
MR. ELIE MARTEL

Chairman
Member

A P P E A R A N C E S

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MS. C. BLASTORAH)	MINISTRY OF NATURAL
MS. K. MURPHY)	RESOURCES
MR. B. CAMPBELL)	
MS. J. SEABORN)	MINISTRY OF ENVIRONMENT
MS. B. HARVIE)	
MR. R. TUER, Q.C.)	ONTARIO FOREST INDUSTRIES
MR. R. COSMAN)	ASSOCIATION and ONTARIO
MS. E. CRONK)	LUMBER MANUFACTURERS'
MR. P.R. CASSIDY)	ASSOCIATION
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DR. T. QUINNEY)	ANGLERS & HUNTERS
MR. D. HUNTER)	NISHNAWBE-ASKI NATION
MS. N. KLEER)	and WINDIGO TRIBAL COUNCIL
MR. J.F. CASTRILLI)	
MS. M. SWENARCHUK)	FORESTS FOR TOMORROW
MR. R. LINDGREN)	
MR. P. SANFORD)	KIMBERLY-CLARK OF CANADA
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MR. R. BARNES)	ASSOCIATION
MR. R. EDWARDS)	NORTHERN ONTARIO TOURIST
MR. B. McKERCHER)	OUTFITTERS ASSOCIATION

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MR. S.M. MAKUCH)	
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MR. P.D. McCUTCHEON	GEORGE NIXON
MR. C. BRUNETTA	NORTHWESTERN ONTARIO TOURISM ASSOCIATION

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I N D E X O F E X H I B I T S

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1 ---Upon commencing at 10:30 a.m.

2 MADAM CHAIR: Good morning. Please be
3 seated.

4 Good morning, Mr. Oliver.

5 THE WITNESS: Good morning.

6 MADAM CHAIR: Mr. Lindgren.

7 MR. LINDGREN: Good morning, Madam Chair,
8 Mr. Martel. Happy new year.

9 MADAM CHAIR: Thank you. Same to you.

10 MR. LINDGREN: Welcome to round two of
11 the FFT case.

12 Mr. Oliver's evidence is found at Tab 8
13 of Exhibit 1433A. That's the Panel 2 witness
14 statement. The Board should also have a copy of
15 Exhibit 1344 which is the Panel 2 source book and there
16 are two appendices found at Tab A of that document that
17 we may make reference to as well.

18 Finally, the Board should also have
19 Exhibit 1435 which is the Panel 2 photograph source
20 book and Mr. Oliver's photographs are found at Tab E of
21 that document.

22 Before we commence, Madam Chair, with Mr.
23 Oliver's testimony, there are a couple of preliminary
24 matters I would like to address very briefly.

25 First of all, you will note that a number

1 of Mr. Oliver's photographs deal with Havrot Township.
2 You may recall during Mr. George Nixon's testimony
3 there was reference made to Havrot Township and there
4 is an outstanding undertaking by the MNR, I believe,
5 that originated with Mr. Martel having to do with the
6 size of clearcuts in Havrot Township, and I recall
7 during Mr. Nixon's testimony that Ms. Blastorah
8 indicated that work was still underway on that
9 undertaking and perhaps Ms. Blastorah might be in a
10 position now to advise us as to when we might expect an
11 answer on clearcut size in Havrot Township.

12 MS. BLASTORAH: If Mr. Lindgren had asked
13 me before the hearing I would have been happy to tell
14 him then. I had hoped to bring that with me today.

15 Unfortunately, I was ill over the weekend
16 and didn't have an opportunity to finish putting it
17 together. I had planned to have it to the Board's
18 office on Friday or this morning, but due to my illness
19 I wasn't able to finish that. I apologize to the
20 Board.

21 MADAM CHAIR: Thank you, Ms. Blastorah.

22 MR. LINDGREN: Okay. I take it then that
23 the undertaking has been substantially completed?

24 MS. BLASTORAH: Yes, it has. There are
25 some typographical errors and minor editorial problems

1 that were yet outstanding. I received it in my office
2 last week.

3 MR. LINDGREN: Thank you.

4 The other outstanding matter that I have
5 been instructed to raise is the issue of the revised
6 timber management production policy for Ontario. You
7 might recall that that is currently being developed and
8 drafted by the MNR and, again, I believe there is an
9 outstanding undertaking to provide that if and when it
10 is produced, and perhaps Ms. Blastorah might have some
11 information as when we can expect to see that document.

12 MS. BLASTORAH: Again, I was unaware this
13 issue was going to come up today. If Mr. Lindgren had
14 asked me I could have taken instructions. I am not in
15 a position to answer that question this morning under
16 the circumstances. I will seek instructions from my
17 client now that I am aware of the question.

18 MADAM CHAIR: Thank you, Ms. Blastorah.

19 MR. LINDGREN: Thank you. Before we
20 commence with Mr. Oliver's evidence I have a few
21 documents to file as exhibits. The first is a new list
22 of photographs.

23 You may recall, Madam Chair, that when
24 Mr. Oliver's photographs were distributed Mr. Oliver
25 had prepared a list of photographs. A second list was

1 prepared responding to the interrogatories and what I
2 have done is merged the two lists together and I would
3 suggest that we use the new list as we go through the
4 photographs and I would file that as the next exhibit.

5 MADAM CHAIR: That will Exhibit 1629.

6 ---EXHIBIT NO. 1629: Three-page document containing
7 information pertaining to Mr.
Oliver's photographs.

8 MS. BLASTORAH: I'm sorry, Mrs. Koven,
9 was that one thousand --

10 MADAM CHAIR: 629.

11 MS. BLASTORAH: Thank you. I am having a
12 little trouble hearing.

13 MADAM CHAIR: Mr. Lindgren, this is a
14 three page document.

15 MR. LINDGREN: Yes, it is a three page
16 document containing information pertaining to Mr.
17 Oliver's photographs.

18 MADAM CHAIR: All right, thank you.

19 MR. LINDGREN: The next exhibit is
20 correspondence dated January 3rd, 1990. It addressed
21 to Mr. Oliver from Mr. Lassard, District Manager, Sault
22 Ste. Marie. It contains a one-page attachment. I
23 would like to file that as the next exhibit.

24 MADAM CHAIR: That will be 1630.

25 That's two separate documents?

1 MR. LINDGREN: That's correct. The first
2 page is a cover letter for the attachment.

3 ---EXHIBIT NO. 1630: Correspondence dated January 3rd,
4 1990 addressed to Mr. Oliver from
5 Mr. Lassard, District Manager,
6 Sault Ste. Marie.

7 MR. LINDGREN: Finally, I have one
8 interrogatory I would like to file with respect to Mr.
9 Oliver's evidence and this is OFAH interrogatory No. 27
10 for Panel 2. (handed)

11 MADAM CHAIR: Thank you. That will be
12 Exhibit 1631.

13 ---EXHIBIT NO. 1631: OFAH interrogatory No. 27 and
14 answer thereto. (Panel 2)

15 MR. LINDGREN: Madam Chair, I would
16 submit that the next order of business is to have Mr.
17 Oliver sworn to give testimony.

18 MADAM CHAIR: Would you like to come up
19 to our table, please.

20 DAVID OLIVER, Sworn

21 MR. LINDGREN: I should perhaps explain
22 the unusual arrangement here, Madam Chair. Most of Mr.
23 Oliver's evidence will be given through these slides.
24 We thought this would be the best location for Mr.
25 Oliver to do that.

1 DIRECT EXAMINATION BY MR. LINDGREN:

2 Q. Mr. Oliver, as I understand it you
3 are a resident of Sault Ste. Marie?

4 A. Yes, I am.

5 Q. How long have you lived there?

6 A. 43 years.

7 Q. And I also understand from your
8 witness statement that you are employed as entomology
9 technician for the Canadian Forestry Service?

10 A. That's correct.

11 Q. And for informational purposes can
12 you explain to the Board what that entails?

13 A. Do you want me to start with my
14 presentation or description of my job?

15 Q. Perhaps you can describe what you do.

16 A. I work in the biological control of
17 harmful forest pests.

18 Q. And I understand that you are not
19 testifying on behalf of CFS today, you are testifying
20 in your personal capacity; is that correct?

21 A. Yes, that's correct.

22 Q. I also understand that you have some
23 opening remarks that you would like to address to the
24 Board this morning?

25 A. Yes.

1 Q. Please do so.

2 A. Madam Chair, Mr. Martel, Honourable
3 Members of the Board, ladies and gentlemen, I wish to
4 express my gratitude for this opportunity to appear
5 before you.

6 Inasmuch as I am not too comfortable
7 acting in this capacity, I feel a very strong
8 commitment to myself, my children, their future
9 generations and this country to present my story. I
10 sincerely hope that it will have some impact in halting
11 the appalling waste and devastation occurring in our
12 forests.

13 A very necessary part of my presentation
14 is that I first establish to the Board my employment
15 background and personal involvement as two distinct
16 entities. As an employee of Forestry Canada, Ontario
17 Region, federal government, I have worked there for 23
18 years and I am 43 years old. I am an entomology
19 technician working in forestry research. As a
20 technician I work in the biological control aspect of
21 harmful forest pests.

22 This is essentially a disclaimer because
23 through my employment I occasionally work in
24 conjunction with the Ministry of Natural Resources. My
25 personal opinions have subsequently placed me in a

1 delicate position within the forestry sector. It is,
2 therefore, necessary to emphasize that these are solely
3 my personal feelings and have nothing whatsoever to do
4 with my employment. I am not speaking on behalf of
5 Forestry Canada in any manner. I trust that this point
6 has been made abundantly clear. Now that we understand
7 where I am not coming from, I will establish where I am
8 coming from.

9 I was raised in the country on a small
10 farm and where the adjoining forest was my playground.
11 I began hunting and fishing and exploring with my father
12 at the age of five.

13 I would now like to go to a series of 11
14 slides which will attempt to verify interests. There
15 seems to be some concern as to who took these slides,
16 and so if I can clear that up now I would like to state
17 that all photos with the exception of Nos. 42, 43 and
18 44 are my personal photos. Before continuing with the
19 slides, I would like to outline what led up to my going
20 public.

21 In 1986 and 1987, I visited the MNR
22 office in the Blind River District with my concerns and
23 felt I got nowhere. I felt that explanations and
24 excuses that were given to me were an insult. Examples
25 were that tree tops lying in lakes made good fish

1 habitat regardless of the fact that it broke rules
2 concerning areas of concern. Garbage dumps that I
3 pointed out were felt to be okay and the Ministry said
4 that if I wanted to go further I should take these
5 concern to the Ministry of the Environment.

6 When I made comment about areas of
7 concern and infringement, I was advised by the Ministry
8 that they felt the trees would get burned anyway in
9 prescribed burns prior to planning, and if this
10 happened then the forest industry would be upset.

11 Another one of their points was that the
12 distance was too far for them to monitor. By the time
13 it took them to drive from Blind River District to the
14 area in question that it was noon, and by the time they
15 had lunch and had to drive back there was no time left
16 in the day to do the job. I suggested at that point
17 that maybe they could stay two days.

18 Finally, becoming very frustrated with
19 these answers and feeling I was getting nowhere, I
20 point blank asked the individual that as a concerned
21 citizen what could I do. What really bothered me was
22 he looked me straight in the eye and said nothing. My
23 reply at this point was that, yes, there was.

24 As a plan in my own mind, it was that one
25 day when I was not as involved with my employment as I

1 am, I advised the Ministry that I had this collection
2 of slides and my intent was to rent a booth next to
3 them at the Sportsman Show and do my best to cause
4 embarrassment.

5 In 1989, I attended the timber management
6 plan at the Holiday Inn in Sault Ste. Marie. I went
7 there because of a newspaper article, indicating the
8 district manager of the Ministry of Natural Resources,
9 with a request that they were not getting enough input
10 from the public. When I went to the meeting, I
11 apparently had caused a stir by signing the guess book
12 as "an appalled citizen". This seemed to make them
13 very irate that it should be entered in their book in
14 this manner.

15 At the meeting I was in a group of people
16 which included George Nixon, who you have heard from,
17 from Megisan Lake, there was a local conservation
18 officer, a local trapper and a newspaper reporter.

19 After a short time, the district manager
20 showed up at that group and we continued to have a
21 discussion about practices and my concerns about what
22 was going on in the logging industry. His answer was
23 that he didn't want to hear any of the past practices
24 and historic problems, but that we were dealing with
25 today and my answer was that this was an ongoing

1 practice, that they were current problems.

2 Shortly after that in the discussion, I
3 suggested that maybe the best way I could reveal my
4 concerns was to present my slide show to the district
5 manager. The reply was that I could show all my slides
6 all I wanted, but to go and rent the room next door.

7 MR. MARTEL: Can I ask you, who is
8 telling you this?

9 That's twice I think you've said that
10 someone has told you there is nothing you can do about
11 anything and so on. Can you identify the individual?

12 THE WITNESS: In the first case, which
13 was 1986, '87, on those two trips, no, I cannot, but it
14 was the Blind River District office of the MNR.

15 In the second case, yes, it was Ron
16 Lissard, the District Manager in Sault Ste. Marie.

17 Subsequent to this little gathering and
18 this meeting and, as I mentioned, there was a reporter
19 from the Sault Star present, I got involved in that I
20 gave a report which was published in the Sault Star,
21 and I think you have a copy. There is a submission of
22 that article.

23 MR. LINDGREN: That's correct. That's
24 been filed as Appendix A, Madam Chair.

25 THE WITNESS: From the newspaper article,

1 I was subsequently contacted by the NDP who requested
2 that I give them a slide show and I did at the public
3 library in Sault Ste. Marie. I found that in every
4 instance of presenting these slides that the first
5 question was my work involvement, and I hope you will
6 understand from that the necessity of my disclaimer
7 that it has nothing do with my employment.

8 Another question was why I now decided to
9 go to the public. I had no intention of doing it other
10 than the incident that happened at the Holiday Inn at
11 the timber management plan and the involvement with the
12 Sault Star which basically created this scenario.

13 I then gave a slide show on December the
14 4th of '89 to the Ministry of Natural Resources who had
15 invited a bunch of industry people, and I think you
16 have minutes of that meeting also.

17 MR. LINDGREN: That's been filed as
18 Appendix B, Madam Chair.

19 THE WITNESS: In this instance I must
20 thank Ron Lissard as the district manager as he was the
21 mediator between myself and some upset industry people
22 who requested that I make retractions and asked for
23 equal press and made threats that they were going to
24 have to shut down their business and layoff 350 people,
25 et cetera.

1 During the arrangements and conversations
2 which took place with the district manager of the
3 Ministry of Natural Resources to arrange these two
4 slide shows, primarily the one with the Ministry, I was
5 in regular contact and had numerous calls from the
6 district manager. I felt for the first time, relative
7 to the answers I got previously and the lack of
8 involvement, that the district manager was showing some
9 legitimate concern. I was actually quite excited about
10 this.

11 Then I found that in almost every
12 instance I received a call, probably within five to ten
13 minutes, from the Regional Director General who is my
14 boss at Great Lakes -- at Canadian Forestry Service and
15 it made me very concerned that I would get a call from
16 the Ministry on one hand showing concern and a few
17 minutes later I would get a call from the Regional
18 Director General. I started to interpret it as real
19 intimidation and I think, again, I must say that that
20 is why it is very important for me to make this
21 disclaimer because I am in a delicate position in this
22 situation.

23 In fairness, there were attempts by the
24 district manager to arrange a helicopter flight and
25 trips into this area to actually have a look, an

1 on-site meeting to see some of my concerns. Over the
2 past two years it has happened that either snow has
3 come early or our schedules didn't match, and I
4 couldn't match his schedule and he couldn't match mine
5 and this has never happened.

6 I guess in the overall picture I look at
7 this and question: Is there an attempt at sincerity to
8 deal with the problem or is it simply a public
9 relations thing and an attempt to appease me so
10 hopefully I will go away. I am not sure what the
11 answer to that is. I just don't know what the true
12 intent is of the Ministry here. As I say, the feeling
13 in some cases of intimidation and not really know where
14 they are coming from leaves me in a dilemma.

15 From my contacts with the Ministry, the
16 slide show that we had, there was an attempt or more
17 than an attempt, all of my waste implications are
18 termed perceptions and alleged infractions. There
19 seems to be in no case any ability to accept that
20 what's there is there, but attempts to play them down
21 and I dealt with that with the industry people who
22 continuously said that all of my photographs were trees
23 with less than four inch tops and less than one per
24 cent of the total cut and it was a definite attempt to
25 play down, as I say, "my perception" of this waste.

1 From there, I would like to start with
2 the slides and the first few are personal slides which
3 will try and show my involvement with nature, where I
4 am coming from here, and then we will go to the slides
5 which bother me to the nth degree.

6 MR. LINDGREN: Q. Perhaps before I dim
7 the lights, Mr. Oliver, you can indicate on that map
8 the approximate location of your photographs.

9 I don't intend to have this marked as an
10 exhibit, Madam Chair, but perhaps for informational
11 purpose he can identify the areas that he travelled and
12 photographed.

13 MR. CASSIDY: Is there any reason it
14 can't be marked as an exhibit? If down the road we
15 want to review this --

16 MADAM CHAIR: We normally do it. Let's
17 make it an exhibit.

18 MR. LINDGREN: Did you have any objection
19 to that? It's a personal map.

20 MADAM CHAIR: Oh, this is your map, Mr.
21 Oliver.

22 THE WITNESS: I would have brought a
23 better one. This one is pretty hacked up because I use
24 it a lot. I could have brought a better one.

25 MADAM CHAIR: If there is a question of

1 you needing this back, perhaps we can talk to the MNR
2 and they could make a copy of it.

3 MS. BLASTORAH: Is this something that
4 Mr. Oliver will need back?

5 MADAM CHAIR: Did you want to take this
6 back with you, Mr. Oliver?

7 THE WITNESS: Not necessarily. I can
8 simply reproduce what's here. I could have brought a
9 map without a lot of this on, the same map, but I just
10 grabbed this one.

11 MR. LINDGREN: Perhaps we should mark
12 this as the next exhibit, Madam Chair. It will be
13 Exhibit 1632.

14 MADAM CHAIR: Yes, that will be Exhibit
15 1632.

16 Could you describe it, Mr. Lindgren.

17 MR. LINDGREN: It is a map of the
18 District of Algoma tourist area, at a scale of
19 1:250,340. It doesn't appear to have a date, but it
20 has been produced by the Ministry of Natural Resources.
21 ---EXHIBIT NO. 1632: Map of the District of Algoma.

22

23 MR. LINDGREN: Q. Mr. Oliver, perhaps
24 you could start by indicating to the Board the location
25 of Sault Ste. Marie on that map.

1 That has been marked as an exhibit, Madam
2 Chair, Exhibit 1623.

3 MADAM CHAIR: Thank you.

4 MR. LINDGREN: Q. Mr. Oliver, where is
5 Sault Ste. Marie on the map?

6 A. Sault Ste. Marie is in the bottom
7 left corner. Wawa is right here (indicating).

8 I initially brought the map to try and
9 give a general outline of my involvement within this
10 Algoma area and the time and places that I have spent.

11 There will be references within the
12 slides to location which may -- well, I will continue
13 to point out here. There is a small lake call Diel
14 Lake or Devil's Lake.

15 Q. Perhaps you can mark that with an "x"
16 with your blue pen. Which township is that located in?

17 A. Whitman Township. This is called
18 Ranger Lake which is quite a large lake. It consists
19 of part of four townships, primarily in Havrot.

20 There is another large lake called
21 Mashagamer Lake. The importance to me is that many of
22 my slides consist of sort of a pie shaped sector which
23 covers about five or six townships right here.

24 Q. Can you list the townships, please?

25 A. The centre township is Havrot, the

1 one below it is McNie, next to Havrot is Hammelman on
2 the west, Ferrier to the north, Jessiman to the east
3 and Foulds to the northeast.

4 Q. What is the significance of that five
5 township area? What did you travel there?

6 A. The significance to me is that I
7 spend many of my recreational hours there with my
8 family in the things that I like to do, which are
9 hunting, fishing, hiking, photography. I have spent
10 many, many hours in this area canoeing and doing those
11 recreational aspects.

12 MADAM CHAIR: Excuse me, Mr. Oliver.
13 What is the distance from these townships to Sault Ste.
14 Marie?

15 THE WITNESS: I would guesstimate it is
16 probably 120 to 130 kilometres.

17 MADAM CHAIR: Thank you.

18 THE WITNESS: It is about a three-hour
19 ride by vehicle.

20 MR. LINDGREN: Q. In your witness
21 statement you make reference to a large clearcut in the
22 Aubinadong Valley and you estimate that it is at least
23 6- to 7,000 hectares in size.

24 Is that in the five township area that
25 you have just identified?

1 A. Yes, it is. I guess the metrication
2 of that isn't that easy for me to relate to. I look at
3 it as about five townships consisting of 36 square
4 miles a piece which is approximately 150 to 180 square
5 miles of clearcut.

6 Q. Is that one essentially contiguous
7 clearcut?

8 A. I think it is essentially one
9 continuous clearcut, yes.

10 My concerns do not necessarily stop there
11 in that that is a specific area that I spent time in
12 that I know is massively clearcut. I know to the north
13 and west is another clearcut. I know that on my way
14 there below Ranger Lake there is another clearcut.
15 There are just massive sections of this country which
16 are almost void of trees, in my opinion.

17 Q. Perhaps you can indicate for the
18 Board's information the location of Megisan Lake which
19 was the subject matter of Mr. Nixon's testimony?

20 A. Megisan Lake is right here, I will
21 circle it, Havrot Township is right here. The distance
22 from the existing clearcut to Megisan Lake at this
23 point is probably 5 miles, maybe 6 miles.

24 Q. The Board has heard testimony from
25 Mr. Mark Robinson in relation to Shulman Township. Can

1 you identify that on the map?

2 A. From havrot Township which is here,
3 Megisan Lake here, Shulman Township is slightly
4 southeast and is situated here. (indicating)

5 Q. Okay. Thank you.

6 A. In continuing with my involvement in
7 the Algoma District, from this point, which is Havrot
8 Township and McNie Township, there is a power line
9 which runs from Michipicoten cross country and comes
10 out on a Chapleau highway.

11 I have spent many years hunting and
12 fishing in that entire area by a four-wheel drive
13 because it is totally inaccessible to normal vehicles.

14 I currently have a camp which there will
15 be reference to here at the Montreal River which is
16 just below the Lake Superior Provincial Park. I spend
17 many of my hours in Pukaskwa Park which is north and
18 west of Wawa, a great deal towards Marathon via water
19 access. I have utilized Lake Superior Provincial Park
20 for hiking, for fishing, for numerous things.

21 That's simply an attempt to show my
22 involvement in the Algoma District, that I spend many
23 hours in trying to enjoy my hobbies.

24 Q. Thank you, Mr. Oliver.

25 Madam Chair, we are about to commence

1 with the slide show. I should indicate that we have
2 high-graded Mr. Oliver's photographs. We are not going
3 to show them all, but we have taken out a few, but Mr.
4 Oliver will be speaking to the bulk of his photographs.

5 MADAM CHAIR: How many will there be, Mr.
6 Oliver?

7 MR. LINDGREN: I think there is
8 approximately 100. We are looking at photograph No. 1,
9 Madam Chair, and I will be using the list of
10 photographs found in Exhibit 1629.

11 Q. Perhaps, Mr. Oliver, for each slide
12 you can identify the approximate location of the slide
13 and you can perhaps describe what is being depicted in
14 the photograph and indicate whether or not you have any
15 concerns over what is being depicted?

16 A. Thank you.

17 Q. We are looking at slide No. 1.

18 A. As I indicated previously, I would
19 like to show a few slides just to again indicate my
20 interests. They are relative to personal things, not
21 my employment.

22 The first photo is simply a picture of a
23 small group of flowers on a remote island on Lake
24 Superior near Pukaskwa Provincial Park.

25 Q. This is slide No. 2.

1 A. Slide No. 2 is a woodcock nesting, a
2 female woodcock nesting. The interest I had was just
3 the camouflage aspect. This is taken in southern
4 Ontario.

5 Q. This is slide No. 5.

6 A. Slide No. 5 is a young bull moose.
7 The picture is taken in Algonquin Park. As far as
8 moose go, I find them very majestic, incredible
9 animals. I probably possess well over 100 slides of
10 moose themselves because I have special interest in
11 them.

12 Q. No. 6.

13 A. No. 6 is simply to show some family
14 outing and family involvement in a little bit of
15 fishing and enjoyment in nature.

16 Q. Is that your son?

17 A. Yes, that's my son, Jason.

18 Q. This is No. 9.

19 A. Not 9 are my sons, Kurtis and Jason.
20 This is in Pukaskwa Park, Lake Superior. Just again
21 family involvement, a little bit of fishing. My
22 feeling is that I appreciate these opportunities that I
23 can show my children and share with my children. My
24 concern is that these opportunities are disappearing
25 and may not continue to exist.

1 Q. No. 10.

2 A. No. 10 is a recent photo. Simply
3 again of wildlife to show my interest in wildlife, my
4 enjoyment in wildlife.

5 Q. No. 12.

6 A. No. 12 now starts with my concerns.
7 My feeling is that there is an appalling abundance of
8 waste going on in our forests. I simply refer to this
9 as a scenic slash pile. It is taken in 1987 in the
10 Blind River District.

11 Q. This is No. 13.

12 A. No. 13 and many of the slides to
13 follow will be very similar to this. They depict
14 continuously to me the waste, the lack of scenery, the
15 destruction of the country by the massive use of
16 clearcuts and you will see clearcuts continuously and
17 log piles continuously throughout.

18 MR. MARTEL: Were those ever picked up or
19 are they still on the ground?

20 THE WITNESS: The majority of them are
21 still on the ground. Later throughout this
22 presentation you will see that I have utilized some of
23 this timber myself. I have salvaged these logs for
24 personal use. I have not done so behind anyone's back,
25 but with the knowledge of the logging people involved.

1 MR. LINDGREN: Q. We are looking at No.
2 14.

3 A. No. 14 again is slash piles bulldozed
4 to the side of the road, stuff that is just left
5 behind.

6 Q. No. 15.

7 A. No. 15 is a slide to depict some of
8 the erosion that takes place, the run-off on the side
9 of these hills. I find it has a very shallow soil
10 surface and that with the clearcut in place in warm
11 summers the soil dries out very readily and washes away
12 quite readily.

13 Q. Did you walk on to that hillside and
14 observe erosion?

15 A. Yes, I have been on these hillsides
16 in these areas.

17 Q. This is No. 16.

18 A. No. 16 is part of one of the piles
19 that I have taken logs from to utilize for my own
20 purposes. That's my vehicle and my trailer there which
21 was utilized to haul many of these logs away, and later
22 in this slide presentation you will see some of the
23 things that I have done with them.

24 In fact, I have constructed a log cabin
25 and I have never cut down a single tree to do that

1 with. It has strictly been utilization of waste that's
2 been left behind.

3 A comment I might like to make on this
4 slide is that when the road was put in there was
5 clearcutting that went on along the road. Currently
6 they have gone back and removed pockets of trees that
7 exist, such as you see here, and those trees that are
8 in this photo now do not exist; they have been
9 subsequently removed in the clearcut operation.

10 MADAM CHAIR: Mr. Oliver, were those logs
11 burned or it that just the coloration of the film?

12 THE WITNESS: What happens is that
13 because they sit there they get a mold or a mildew on
14 them and they turn dark.

15 In my conversations with some of the
16 people employed in this operation, the reason that I
17 was allowed to utilize the logs was that they had sat
18 there for too long and they had become stained and the
19 pulp mill would then not take them because of the stain
20 involved.

21 This year in particular, the cut took
22 place up until December 24th. They pulled out for
23 Christmas and came back in the spring. There were more
24 logs cut than what were hauled out, and when they came
25 back in the spring the logs had subsequently stained

1 and had no value to the mill that they were shipping
2 them to.

3 MR. LINDGREN: Q. Now, prior to you
4 hauling some of those logs away, how many logs were
5 there?

6 A. This particular area had a couple of
7 piles which were separated into 8-foot logs and 12-foot
8 logs. There were two piles that I would estimate were
9 8 to 10 feet high and up to 200 feet long.

10 Q. Now, you have indicated that you took
11 some of that wood to construct your log cabin.
12 Were there still logs left over?

13 A. Yes, there were many logs left over
14 which were subsequently bulldozed into ravines and
15 piles levelled, and some of the wood was also used in
16 the logging camp itself for firewood, that they took
17 took chain saws and cut up some of it for firewood.

18 Q. Who bulldozed the remainder?

19 A. I don't know.

20 Q. It wasn't you?

21 A. No.

22 Q. This is No. 17.

23 A. No. 17 is in the same area and it
24 indicates some of my concerns about the permanence of
25 the roads that are built, as well as the waste that is

1 left behind.

2 My understanding is that in some of these
3 instances the companies are paid up to \$50,000 a mile
4 to construct these roads. I question -- I guess maybe
5 there is some of the waste in existence because there
6 is a hurry to put a road in and that becomes the prime
7 importance at this point. My own interpretation might
8 be that it is a nice fee to collect to maybe enhance or
9 continue the logging operation and the expense and cost
10 that may go with it.

11 I certainly have strong opinions about
12 the permanence of these roads which are opening up
13 every last bit of wilderness that I feel exists in
14 Ontario.

15 Q. Before we move on, do you have any
16 opinions as to the desirability of removing roads after
17 harvest or after silvicultural operations?

18 A. I have quite strong opinions that
19 roads should not be left in existence, that roads
20 should not be built as durable as they are. They are
21 very long lasting roads, all-weather roads which will
22 be there for eternity.

23 I guess in some ways I think also that by
24 having miles and miles of road the Ministry budget
25 depends on so much per kilometres of road in their

1 district which they have to maintain. To me it's a
2 pyramiding or an empire building that the more roads I
3 have the more employees I need and the more money I am
4 going to get to maintain them.

5 They certainly serve a viable purpose in
6 scarification, prescribed burning and planting
7 afterwards, but I don't think we can continue to open
8 up every acre of wilderness in Ontario and leave it
9 accessible the way it has been.

10 MADAM CHAIR: Excuse me. In the area
11 that you are looking at, primarily in the five or six
12 townships you described, is there an area in there that
13 isn't road accessed?

14 THE WITNESS: If there is area that's not
15 road accessed yet it's at the top of those townships
16 which are now adjacent to Megisan Lake which I made
17 much reference to, but I have no feeling that this
18 clearcut is stopping where it is now. I am sure that
19 the next five year plan is going to continue to push
20 north beyond that and I see no end to this spread of
21 clearcutting, I guess.

22 MR. LINDGREN: Q. This is No. 18.

23 A. No. 18 also indicates to me there are
24 logs in the foreground, the destruction of the hill.
25 You can see the skidder trails which subsequently lead

1 to continuous erosion, that they run down off the hills
2 and the water forms gullies through these tracks where
3 the skidders have operated.

4 Again you can see the durability of these
5 roads; they are very well constructed. They are meant
6 as permanent roads.

7 One of the arguments I've had from the
8 Ministry is that those roads being there give access to
9 the populace so the people should be able to use them,
10 that they shouldn't be private roads for me because I
11 am willing to a canoe to get into them or private areas
12 for me.

13 I find that many areas, many of the lakes
14 in this area -- we will take a couple of examples of
15 Ranger Lake which I pointed out, Mashagama Lake that I
16 pointed out. Ranger Lake is about eight to ten miles
17 long and entirely one half of that lake has cottages on
18 it. The lake is so over-populated that a fishing lake
19 which used to boast of 30 and 40 pound lake trout, it
20 is an exceptionally rare thing to catch one pound and a
21 half to two pounds. I think it is totally
22 over-populated.

23 I will make reference to Mashagama Lake
24 in which in 1989 I was there. The Ministry gave me a
25 count of 85 mobile homes parked in the north end alone,

1 not including the south end campground. I just can't
2 continue to accept the fact that this is the way things
3 should be, that these lakes should be so over-populated
4 and so over-utilized. And if major ones are, then I
5 don't think we can continue to create access to the
6 wildlife and the fishing populations of the smaller
7 lakes because they are being devastated.

8 In my lifetime I can relate to speckle
9 trout limits dropping from 15 to 7 and now down to
10 certain situations where it is one. There is a
11 continuous slide in our environment, in our wildlife.
12 Where is it going to end?

13 MR. MARTEL: Is that because people have
14 access to the lake or are they over-fishing?

15 I mean, there is a distinction that has
16 to be made whether one utilizes a lake properly or one
17 savages a lake.

18 THE WITNESS: I totally agree with that.
19 A large lake like Mashagama Lake can maybe stand 85
20 campers on it, but a small lake with access to it like
21 this road and the lake which is right beside it on the
22 right cannot withstand 85 campers on it. And whether
23 those peoples are taking more than their limit or not,
24 the shear numbers of people that have access to it are
25 destroying these lakes.

1 MR. MARTEL: There is a serious problem,
2 though, for people who have camps who aren't interested
3 in seeing anyone else get to the lakes as opposed to
4 those people who do not have camps and want to utilize
5 for recreational purposes. Where is the saw-off?

6 How do you envisage people utilizing
7 lakes without savaging them who don't have the
8 opportunity to purchase land, although there is a
9 little bit being purchased now, and having access to
10 the same lakes that those who have camps who are
11 fortunate to get in early?

12 I mean, how do we manage that wildlife
13 and the utilization of wilderness for everyone and not
14 just those who are there already?

15 THE WITNESS: I agree that there has to
16 be some sort of a saw-off. I guess my concern is that
17 with these massive clearcuts that there is no saw-off.
18 There will be no lakes left that I can spend a day to
19 hike into or canoe into without running into people.

20 I can't find that isolation anymore and
21 as an example, the effect on tourism in these cases. I
22 was in a lake this year where I met people who flew
23 into this exact area, paid costa to fly in there, there
24 were five or six people from Peterborough, and I paddle
25 up the river to their hunt camp where they had paid

1 hundreds of dollars to go there.

2 I feel for the tourist operators who
3 don't have that anymore, who spend the time and money
4 and cost to build these camps and make a living. I
5 think they are in jeopardy as well.

6 I can refer to a lake on that map called
7 the Little Aubinadong. In 1988 -- I flew in there in
8 probably '86 on a hunt trip. In 1988, I walked to it
9 in less than 15 minutes. I met a family of four or
10 five people there on the ice and here is a guy's brand
11 new cabin that he just spent thousands of dollars to
12 build in 1988. The roads now completely circumvent two
13 of his hunt camp sites and I can't fathom paying money
14 to fly into a lake and look at absolute clearcut all
15 the way around.

16 I think there has been to be some
17 harmony. I think there has to be more larger areas of
18 concern, more protection for streams and there seems to
19 be another saw-off somewhere that little streams are
20 okay to clearcut and the big ones aren't. I guess we
21 need a saw-off. I am trying to draw a line so there is
22 some of that wilderness left.

23 MR. LINDGREN: Q. This is No. 19.

24 A. No. 19 to me again indicates some
25 waste lumber, a lot of trees left dead and standing.

1 These trees are primarily birch trees. You will see
2 them in subsequent slides where the birch appears to
3 have low commercial value and are, therefore, left
4 standing. Because of the logging operation and the
5 disturbance of the soil, they are usually dead from
6 that operation.

7 I look at them in some ways as hazard, as
8 dead standing trees to people working in there. I feel
9 that sometimes those trees -- or those trees will fall
10 over and are going to kill or break or damage the trees
11 that are trying to be regenerated.

12 Q. Is there a prescribed burn that took
13 place here?

14 A. Yes, this is a prescribed burn which
15 was done the year prior to planting.

16 Q. This is No. 20.

17 A. No. 20 shows a few logs that were
18 left, but --

19 Q. What species is that?

20 A. There is some white pine and mostly
21 jack pine in this slide. The larger logs are white
22 pine.

23 The background behind those trees is a
24 short distance to the Aubinadong River which is a major
25 canoe route. Just to the left of this photo is a large

1 falls which is a very scenic area. Some of the portage
2 trails and access to this have been disrupted by the
3 skidders, by the logging operation. This is in Havrot
4 Township.

5 Q. This is No. 21.

6 A. No. 21 is about two years after
7 clearcut. It is intended to show the natural
8 regeneration that's taking place, and this is all
9 poplar regeneration.

10 MR. CASSIDY: I'm sorry, if I could just
11 back up. Mr. Lindgren, did the witness just say Havrot
12 Township was No. 20?

13 MR. LINDGREN: Yes, the list indicates it
14 is McNie Township.

15 Q. Is it McNie or Havrot? We are
16 concerned about photo No. 20.

17 A. Without going to the map I probably
18 can't be certain at this point. They are adjacent to
19 each other and I'm not certain from here. I would
20 think it is Havrot.

21 Q. Now, you have indicated in your
22 original list of photographs that there is a hiking or
23 portage trail that was destroyed by this operation?

24 A. Correct. The lakes in this area,
25 which we had spent probably a day to get to to do some

1 fishing or spend a weekend, the portage trail is
2 completely obliterated.

3 The trapper who was trapping in the area
4 had to cut a new trail to get in. It's very difficult
5 to walk through this stuff to portage a canoe and
6 backpacks, et cetera. The trail was completely
7 obliterated by this mess and probably took about an
8 hour to sort out where the trail was again to find it
9 in the first place.

10 I have some concerns that in the
11 clearcutting process this area will be burned,
12 scarified and then treated with herbicides. There is
13 arguments about the availability for moose and moose
14 feed and, again, the herbicides are being ingested by
15 wildlife. I wonder as an individual how much of these
16 herbicides are retained in the system of these animals.

17 I have problems with clearcuts in that
18 when hunting season comes people sit on the top of
19 every knoll with a high powered rifle and a telescope.
20 I feel the moose has no protection, no place to hide.

21 I think clearcutting certainly enhances
22 the abundance of the kill and in so doing that reduces
23 the population and the ultimate guiney pig is then the
24 hunter who is blamed for the decline in the population.

25 My feeling is that the clearcut in many

1 cases leads to an over-abundance of kill in areas and I
2 honestly as an individual feel that hunting and
3 clearcutting should be abolished; should not be
4 allowed.

5 I can make reference to an area in White
6 River where I hunted at University Lake. I hunted
7 moose there for about three years and went there the
8 fourth year to find it was absolutely clearcut. The
9 moose -- maybe I shouldn't use the word slaughter, but
10 the take of moose that year was so high that the
11 Ministry subsequently closed the area to hunting for
12 five years.

13 A short time after that, they opened up
14 in the Danny Lake Road area which is in White River,
15 the very north perimeter of White River. The kill on
16 the Danny Lake Road in the last two years on opening
17 day has been somewhere between 25 and 50 moose without
18 leaving the road.

19 Again, I think it leads to an overly easy
20 access to the animal which is part of the cause for the
21 decline. I think hunting and clearcutting should not
22 be allowed and I think the massive size of these
23 clearcuts gives the animal no place to hide, no place
24 to feed, breathe, whatever.

25 Q. We are now looking at slide No. 22.

1 A. Slide No. 22 is a very difficult, or
2 emotional thing for me. 22 to 24 is the series of
3 slides of a tamarack swamp. This swamp was completely
4 levelled and you can see every tree laying there.
5 There was not a single tree removed.

6 I have tried to rationalize in my mind
7 why that devastation took place. It's almost as if the
8 cutters were going along cutting down trees and all of
9 a sudden realized when they were finished that it was
10 the wrong species and they couldn't utilize it.

11 Q. What species are on the ground?

12 A. They are all tamarack. If we must
13 have massive clearcuts, to me this is an ideal location
14 where some break in the clearcutting can be left. If
15 we have natural places like swamps which will not
16 reproduce the jact pine monoculture that seems to be
17 desired, why could that not have been left. This swamp
18 is probably a quarter of a mile long and 100 or 150
19 yards wide.

20 MR. MARTEL: Did you ask that question of
21 anyone?

22 THE WITNESS: Yes, I have.

23 MR. MARTEL: What was the answer?

24 THE WITNESS: Initially in Blind River
25 when I went they didn't know that it existed, they

1 couldn't relate to it.

2 This was one of the sites planned to be
3 visited by the district manager in Sault Ste. Marie,
4 Ron Lissard, and myself in the helicopter trip. This
5 is a site that he has much interest in and would like
6 to see.

7 I have tried to interpret why it happened
8 and I thought at one time that maybe it was in a winter
9 operation and the intent was to create a matting or a
10 bedding for the skidders to operate on because of the
11 bog, but if you notice in the top of the slide there's
12 a road running parallel to the swamp and where the
13 photo is taken from where I am standing there is
14 another road. So there is absolutely no need to create
15 the scenario that I can see.

16 Part of my feeling is that the Ministry
17 policy of clearcutting is clearcutting, that there are
18 no exceptions to that. And there may be reasons for
19 that in that it makes it easier to go in and replant,
20 to scarify, to, you know, regenerate what has been cut,
21 but if we have a problem with massive clearcuts - and
22 here is a natural ecosystem that can be left - I can't
23 fathom why it was destroyed. I am at a loss to explain
24 some of these things; I just don't know.

25 This is a continuation of that same

1 swamp. It is another picture of what was done to it
2 with no removal of timber whatsoever.

3 Q. We are now looking at slide No. 28.

4 A. What can I say? I feel I have to
5 have an explanation for all of these slides and yet
6 they show the same thing over and over and over and I
7 can only give you the same answer. To me it is waste,
8 it could be utilized in some form or other and it's
9 not.

10 MR. MARTEL: That's still on the ground?

11 THE WITNESS: Yes.

12 MR. MARTEL: How long ago do you think
13 that was cut?

14 THE WITNESS: This slide in 28, Richard?

15 MR. LINDGREN: That's correct.

16 THE WITNESS: 1987 is when the slide was
17 taken.

18 MR. LINDGREN: Q. What species are being
19 depicted here?

20 A. It is mostly jack pine, but I think
21 there is some white pine involved in this slide as
22 well.

23 Q. No. 29.

24 A. 29 is the remainder of some log piles
25 that were hauled out to the road and subsequently the

1 majority of those logs were hauled to the mill.

2 I have a theory that some of these logs
3 are left because it is easier to go a large pile and
4 get a full load than to stop and pick up part of a load
5 here and part of a load there and part of a load
6 somewhere else. If what is left does not fit on a
7 load, then it is left and stays behind.

8 In this case, as well, these logs are
9 somewhat embedded in the dirt, whether they are too
10 dirty to go to the mill, they're the base logs that
11 support the majority of the pile. These are only
12 subpositions on my part to try and rationalize why they
13 are left behind.

14 Q. How big is the clearcut that we are
15 looking at here?

16 A. I would endeavour to say that you
17 could do a 360 degree circle and take that picture all
18 the way around.

19 Q. Does that concern you?

20 A. Most definitely.

21 Q. Why is that?

22 A. Mostly because of the lack of habitat
23 for wildlife, because of my inability to enjoy or
24 utilize this as a recreation.

25 I guess in some ways I consider at times

1 that we are pointing fingers at the rain forest in
2 Brazil when we are doing the same thing to our country.
3 We are at fault here for what's happening to our
4 environment and this is part of it.

5 Q. This is No. 30.

6 A. Again, I don't specifically -- I
7 mean, I only get tired of saying the same thing to you,
8 that this appears to me to be an abundance of waste
9 that I can't explain.

10 I can tell you that industry people in
11 the meetings I had with MNR in many of these instances
12 suggested to me that there are only four inch tops or
13 less, that it is less than one per cent of the amount
14 cut, so therefore it is not significant.

15 I guess I wonder in my mind what per cent
16 of a tree is the four inch top and maybe some sort of
17 data should be done on that; I don't know. I wonder
18 that there is not entire industry here in someone
19 coming along behind with a chip mill and turning all of
20 this products into chip.

21 I know in fact that the mill in Marathon
22 runs entirely on chips and it was converted to a chip
23 mill. One of the reasons being that the access to logs
24 was too distant, that it was too expensive to go and
25 bring logs to a mill that was in operation for many

1 years and currently the mill runs entirely on chips
2 transported there as a waste product from the mill in
3 Hearst.

4 I don't know for a fact, but I heard that
5 one of the companies in Thunder Bay has subsequently
6 gone to a chipping operation, that they are now
7 chipping the entire tree. They are not even leaving
8 the birch. They have a method for debarking birch and
9 they are chipping the birch for their mill and that
10 their wood bulk product has increased by almost a
11 hundred per cent. I think that indicates to me that
12 there is a massive amount of waste left behind.

13 Q. No. 31.

14 A. These logs were left, and at the time
15 that I collected logs or salvaged logs to do what I did
16 with them this was typical of the condition they were
17 in. Those logs were not removed, but were left at the
18 cut and loading site. These ones have not even started
19 to stain yet or very, very little.

20 Q. What is the species?

21 A. It is all jack pine.

22 Q. No. 32.

23 A. No. 32 has been subjected to a
24 prescribed burn. Subsequent to this, it will be
25 replanted and I guess when I look at that I wonder how

1 students that are hired in the summer to replant can go
2 through that and replant.

3 I wonder that the road being right here
4 at the bottom left-hand corner of the photo these logs
5 were not removed. It may indicate how effective a
6 prescribed burn is or isn't. I can't interpret a lot
7 of that. I only ask questions about what I see.

8 Q. No. 33.

9 A. No. 33 to me, again, indicates a part
10 load left, that it's not worthwhile to stop and pick up
11 a portion of a load.

12 I question the cost and expense of
13 cutting those logs, skidding them to the site, cutting
14 them to length and piling them and then leaving them.
15 If the industry has concerns about the expense and the
16 marker, maybe -- I would like to see utilized what is
17 cut down and not left behind.

18 Q. No. 34.

19 A. 34 is a bulldozed pile of so-called
20 four-inch tops. My guesstimate is that there are six
21 and ten inch logs in some of these piles. Some of
22 these logs that I have salvaged I have cut lumber out
23 of them, two by six, two by eight.

24 Later you will see a method I developed
25 for building a log cabin utilizing logs this size.

1 They are all on average six inches when I am finished
2 with them.

3 Q. What species is this?

4 A. Jack pine.

5 Q. No. 35.

6 A. 35, again, is right adjacent to the
7 road. It's some of the things that have indicated to
8 me maybe there was a hurry to get the road in, whether
9 it was to collect the money to put road in or what, but
10 all these trees are directly adjacent to the road and
11 never picked up, never sawn.

12 That has gone through a prescribed burn
13 and again you can see the effect or lack of of a
14 prescribed burn and, again, my question of the
15 difficulty of trying to regenerate and plant in that
16 kind of a scenario. This is now prepared for planting.

17 Q. No. 36.

18 A. No. 36 and No. 37 are photos of the
19 garbage dump which is not far from the main camp which
20 was in operation for about five years and has just
21 moved this year.

22 The concern is not solely the garbage
23 that's on the ground, but the fact that it is directly
24 adjacent to a small stream. The distance is probably
25 within a couple a hundred yards from here to a major

1 canoe route, the Aubinadong River.

2 Again, I strongly feel that these small
3 streams should be permitted as buffer zones to break up
4 the clearcuts. Streams have traditionally been
5 pathwayss for all wildlife, whether it's moose, wolf,
6 fox, bear.

7 Many of the portage trails that man uses
8 today were originally game trails and they followed
9 these streams.

10 Q. Perhaps you can go to the map and
11 indicate the location of the stream.

12 A. The stream runs directly here behind
13 this pile and in the next slide I think you will see a
14 little better its relativety to this garbage dump.
15 There is also a fair pile of jack pine bulldozed into a
16 pile there in this location.

17 MR. MARTEL: How long did this occur, the
18 remove of the camp site?

19 THE WITNESS: The camp was moved this
20 year and the site was cleaned up - certainly improved
21 upon last year - but cleaned up much more at the time
22 of the site removal.

23 MR. MARTEL: But why wouldn't -- it is
24 hard to ask you the question, but why wouldn't that
25 have been looked after as the occurrence -- as the camp

1 was there?

2 I mean, they could have buried it, they
3 could have removed it. I mean, that didn't gather over
4 night, that pile of junk.

5 THE WITNESS: No.

6 MR. MARTEL: It has been there a long
7 time. One wonders where staff was when this was
8 allowed to expand to that size. Where was MOE if they
9 were involved and where was MNR.

10 THE WITNESS: It was one of my points
11 that I presented to the MNR in Blind River District, as
12 I pointed out at the beginning of this, what initiated
13 by involvement today. The answer was that we have
14 people there looking at it and we don't find a problem,
15 and if you feel there is a problem then you take your
16 concern to the MOE, which is what I was told.

17 Part of my concern is that --

18 MR. MARTEL: But could John Q public get
19 away with that?

20 I mean, I don't know to my knowledge
21 where one can just dump garbage willy nilly in this
22 fashion and somebody isn't held responsible.

23 THE WITNESS: A large part of my concern
24 relative to this is that there is a massive clearcut
25 here. It's, in my opinion, hundreds of square miles.

1 Why did they have to dump it beside a
2 stream which leads into a major canoe route. There
3 appears to be absolutely no logic at all. They have
4 got acres and acres to put a garbage pit, but not
5 beside a stream. This stream initially is canoeable to
6 this point from the Aubinadong River.

7 MR. LINDGREN: Q. Have you canoed that
8 stream?

9 A. Yes, I have on many occasions. This
10 was the portage trail at one point from this small
11 stream into a series of lakes that we spent weekends
12 in. It is not very appealing to canoe and traverse
13 this area and all a sudden one day show up and this is
14 what you are faced with.

15 Q. This is No. 37.

16 A. This is the same dump from a
17 different angle. If I may, the stream again flows here
18 under the road and into this group of trees. Just
19 beyond this trees group of trees is the Aubinadong
20 River which, as I state, is a major canoe route.

21 The only reason those trees are there is
22 that is part of the AOC, that's part of their 30 metre
23 limit. You can see everywhere around is absolute
24 clearcut and that's the only reason those trees are
25 there.

1 Now, you can canoe to here, the trail is
2 devastated, this is what you are faced with, the waste,
3 the mess. I guess it's part of the frustration when
4 these concerns aren't presented. I mean, I found it
5 very frustrating to be looked in the eyes and told:
6 You can do nothing.

7 Q. I think we are ready to move to No.
8 38. This is No. 38.

9 A. No. 38. Industry says what's wrong
10 with that. We are here to do a clearcut, and from the
11 clearcut point of view I guess maybe there is nothing
12 wrong with that if this is what we want. It's probably
13 one of the least wasteful slides that I have, that
14 there is not a lot of timber left on the ground. It
15 has been removed.

16 Q. How big is this clearcut? Are we
17 looking at the full clearcut?

18 A. Yes, this is -- no, this is just a
19 small portion, only what the camera can capture, I
20 guess.

21 Industry's comments were that this is the
22 ideal clearcut. This is the intent which is there is
23 not a lot of work to replant to scarify and prescribe
24 burned, and if we deal with clearcuts maybe that's the
25 case.

1 I think I would like to point out that
2 the clearcut practice, if that be the most economical
3 way way to do forestry today, I'm not necessarily
4 adverse to clearcuts, but I think there has to be some
5 moderation, there has to be some better control of it
6 and better maintenance of it.

7 Q. This is No. 39.

8 A. This is again had a prescribed burn
9 go over it. You can see the black inside of the hill.
10 These logs are very adjacent to the road which is at
11 the bottom of the photo. They could easily have been
12 pick up and utilized. If not utilized, again I
13 question the ease of planting areas such as this with
14 this amount of waste on the ground. How are you going
15 to plant that log pile.

16 Q. No. 40.

17 A. No. 40 is what I have done salvaging
18 these logs. I never cut a single tree to build this
19 cabin. It's all salvageable material and to me it's a
20 very functional building.

21 I would guesstimate that in this cabin
22 there are probably, in a 20 by 24 cabin, 250 to 300
23 logs utilized. On average those logs are six to eight
24 inches in diameter. They are certainly not four-inch
25 tops.

1 Q. These are the logs that you salvaged?

2 A. Yes, they are the exact logs that you
3 saw in some of those photos along the road.

4 Q. Is it of jack pine construction?

5 A. Yes, solely of jack pine
6 construction. This is at Montreal River which was
7 pointed out on the map.

8 I used a small portable sawmill to help
9 in this construction. As you can see, I've cut lumber
10 out of these logs which is 1 by 6, 2 by 6, whatever.

11 I feel in many cases that a lot of this
12 material, if it is going to be left behind, can be
13 utilized and the question arises of the problems you
14 get into.

15 At one point when I didn't know how to
16 present these point of concerns that I have, one of my
17 means in my mind of doing this was to phone the
18 Ministry and say: I am going to such and such a
19 location and I am going to pick up these waste logs.
20 The fact being that I would be charged.

21 It was one of my thoughts, how can I
22 bring to this light. If I have to be charged and go to
23 court to present this, then maybe it's worth it. It
24 obviously didn't happen and I am not saying it still
25 won't, but I think there is an industry out there from

1 what is left, whether it be chipping or small
2 utilization such as this.

3 I would like to comment that in my
4 meeting with Industry I had a great deal of support
5 from one of the logging companies in the Sault District
6 which was Meakin Lumber. In fact, one of the comments
7 made by Mr. Meakin to me was: Would you consider
8 coming behind us and cleaning up with your sawmill, and
9 it was: Well, let's discuss it at a later date, but
10 there was at least one individual who was certainly
11 open to that proposition.

12 Some of the concerns that Industry appear
13 to have is that using those roads when they were in a
14 logging operation, they are liable if something
15 happens. There seems to be a liability problem here
16 with people being involved, even on being on those
17 roads when they are using them.

18 Q. No. 42.

19 A. No. 42 is one of the slides that I
20 did not take. When I got involved in this and the
21 first time it was publicized to some degree, I had
22 people coming to me with slides, with photographs, with
23 all sorts of submissions they wanted to include and I
24 have taken a few just to try and show other parts of
25 the country where I feel the same thing is going on.

1 This slide is taken in Hearst in 1978.
2 It is a clearcut operation. This stuff appears to me
3 to be pushed somewhat into windrows.

4 Q. No. 43.

5 A. 43 indicates waste to me in Cochrane
6 in 1979. Again, this slide was presented to me.

7 Q. What are the species of trees that
8 are standing?

9 A. The trees standing are poplar, I
10 think. An interesting aspect to this slide was that
11 the person who gave it to me said you don't really
12 appreciate what's on the ground here until you take a
13 magnifying glass to the slide and when you do that it
14 is wall to wall logs.

15 I mean, I don't think you can step on the
16 ground if you tried. The amount of timber in this
17 photo and the next one is much larger than what's
18 apparent from the slide.

19 Q. No. 44.

20 A. 44 has mostly the same comments. It
21 is off the Chapleau highway. The photo was taken in
22 1987. I have a note here of erosion. I would like to
23 point out that road that comes down through the centre,
24 which is mostly the skidder path, will continue to be a
25 source of water run-off. I don't know how significant

1 that is.

2 Q. No. 45. Before we continue, I see
3 there is a digital date in the lower right-hand corner.
4 Is that an accurate date?

5 A. It is not. It's a new camera I got
6 which had a data back with it. I probably should have
7 gotten one of my kids to program it instead of me, but
8 the date is not significant, it's not correct.

9 This is a regeneration site in Sault Ste.
10 Marie District, I think. It shows an abundance of dead
11 birch trees left behind. Those trees are all dead from
12 the logging operation in which white spruce was
13 removed. There is -- this slide is quite dark and it
14 is difficult to see, but there are jack pine growing in
15 the foreground and throughout this cut-over area.

16 My concern is the abundance of dead trees
17 standing and whether there is a hazard in them as dead
18 trees falling, what it is going to do when they do fall
19 to the trees that are trying to be planted and why can
20 they not be utilized in some manner, whether it be
21 firewood or pulp or whatever.

22 Q. No. 46.

23 A. No. 46, again, is logs that were
24 hauled out. They are part loads that were left behind.
25 Some of those logs in the background, in fact, are

1 still tree length there were never cut to length, but
2 again logs that were left.

3 Q. What species?

4 A. Those are white spruce.

5 Q. This is 48.

6 A. 48 is an example to me - this photo
7 was taken in Sault Ste. Marie just behind Searchmont -
8 of some fairly large logs left behind, white spruce in
9 particular. It also indicates to me and points out
10 that as soon as we have a clearcut hunters move in and
11 set up a portable shack to hunt out of. Clearcutting
12 is a predominant area where moose hunting takes place.
13 I think it is devastating to the animal.

14 Q. You are referring to the structure in
15 the right-hand background?

16 A. Correct.

17 Q. That's the hunt camp?

18 A. Yes. They are temporary shelters put
19 up which would be covered in with plastic for hunt
20 season to be used on an annual basis.

21 MR. CASSIDY: Is that Marne Township?

22 THE DEPONENT: Yes, it is.

23 MR. LINDGREN: Q. This is No. 51.

24 A. 51 is the photo which you have as an
25 exhibit which is part of the article published in the

1 Sault Star. This pile is 12 feet high and about 50
2 feet long. It consists of primarily white spruce with
3 some balsam fir mixed through it.

4 Three years after this cut I salvaged
5 some of these logs. I cut everything from 2 by 4s to 2
6 by 10s out of them with my small sawmill.

7 The next photo is the same pile relative
8 to the vehicle.

9 Q. This is No. 52.

10 A. I would like to point out that when I
11 showed this slide, which was in the paper, at the
12 Industry hearing, again the individual from Meakin
13 Lumber was very apologetic that they were left. He did
14 not know they were there, but he knew he did not get
15 paid for them and he was upset that his people had not
16 hauled them out, but he certainly owned up to it and
17 admitted it and apologized.

18 I have found in every instance of dealing
19 with Meakin Lumber that there is an abundance of
20 honestly and willingness to accept problems when there
21 are problems. I would like to commend the individual
22 for his honesty that I have always been faced with in
23 my dealings with him.

24 There is absolutely nothing wrong with
25 those logs three years after the cut. Some, not all,

1 have been utilized. I would day say that the majority
2 of that pile if you went out there today is still in
3 existence.

4 Q. This is No. 53.

5 A. No. 53 is taken in either of Levandry
6 or Gaudette Township. I'm not sure because I'm in an
7 aircraft. The numbers, again, on the bottom right are
8 not significant.

9 I used this photo in discussions with the
10 MNR in discussing areas of concern, perimeters left
11 around lakes. The comment given to me is that we
12 always leave 30 metres, usually 60 and sometimes 90.
13 This is the photo I present. Again, to me this is a
14 valley system, there are small lakes here
15 interconnected with streams.

16 Q. Are those cold water lakes; do you
17 know?

18 A. Yes, they are. They are speckle
19 trout lakes. I can't understand why this is not an
20 ideal site to leave - wildlife protection. These are
21 areas where there will be trails, moose habitat, fox,
22 bear, wolf, all of the species that inhabit the boreal
23 forest, and this is their survival area and if we can
24 break up clearcuts in any way, shape or form, to me
25 it's an ideal situation to do that.

1 MR. MARTEL: You said earlier that you
2 were for two years trying to get a tour into the area
3 with representation from MNR to view these things.

4 Do you become suspicious that in two
5 years a trip could not be arranged to go in and look at
6 these things?

7 THE WITNESS: I cannot indicate blame in
8 that area. I don't think in honesty I can.

9 The first year that the trips were
10 planned, we ended with a very heavy snowfall early in
11 November and it just made it totally unreasonable to
12 go. So a decision was made to go this year.

13 The intent was to go in the fall. Mr.
14 Lissard sent me a letter indicating to me the trip was
15 still planned and could I arrange it. He talked to me
16 on the phone on one occasion about going. My
17 commitments and his commitments -- when I did call he
18 was on holidays, when he called me I was on holidays.
19 It just never matured, but the attempt was there and I
20 must admit the Ministry was certainly willing to make
21 that trip.

22 MR. LINDGREN: Q. No. 54.

23 A. No. 54, again, to me is a small swamp
24 of probably no consequence to most people, but an ideal
25 place for habitat for wildlife. If we can protect

1 areas, maybe these are the ones that should be
2 considered.

3 No. 55 I think.

4 Q. No, this is No. 56.

5 A. The same cut area. The photo shows
6 windrows which are bulldozed up prior to planting so
7 that they can plant, do the regeneration through those
8 windrows, those strips, waste logs, brush soil,
9 everything is bulldozed into these roads.

10 Some of these roads are in the
11 neighbourhood of six, eight and ten feet high. That
12 can give you an indication of what is in those piles.
13 I have other concerns in that it tends to enhance very
14 good growth of raspberries and other herbacious plants
15 which will be subsequently sprayed and, again, I
16 question the impact on wildlife.

17 Not only on wildlife, but on man because
18 there are many people who go there and particularly
19 pick berries in these windrows of sprayed vegetation.

20 Again, I think it is very clear from this
21 slide that the AOC, the area of concern, and the
22 protection limit along that stream has not been
23 acknowledged.

24 Q. Perhaps you can go to the screen and
25 indicate the location of the stream.

1 A. The stream runs continuously along
2 the back end of this cut. There is no way that there
3 are 30 metres of protection anywhere along that edge,
4 nor along this edge of this stream.

5 Q. Is that a cold water stream?

6 A. Yes, it is. The stream runs into the
7 Goulais River just behind Searchmont.

8 Q. No. 57.

9 A. No. 57 is an example of strip
10 cutting. It's one of the alternatives considered
11 relative to clearcutting. It is simply there to
12 indicate the method and maybe the fact that it is a
13 little more appealing than miles and miles of nothing.

14 Q. Do you have any preferences vis-a-vis
15 clearcutting and strip cutting?

16 A. I would say that strip cutting
17 certainly visually is an improvement. It's definitely
18 a better system for the protection and the habitat of
19 wildlife.

20 Q. No. 58.

21 A. This is another photo of the same --
22 of strip cutting. I think this is a sample plot of
23 strip cutting. That's what it is. It is a very small
24 plot which was set up as a sample.

25 I think maybe in reference to these

1 slides and, again, to clarify the delicate position I
2 am in, this photo was taken -- these photos were taken
3 from a Ministry aircraft and I was involved with the
4 Ministry at their request as a volunteer to help them
5 resalvage and recover a sunken aircraft which they were
6 rebuilding for their aircraft museum in Sault Ste.
7 Marie, and I think my role being in that aircraft
8 should be clarified.

9 Q. No. 59.

10 A. Slide No. 59 changes districts and it
11 goes to Nipigon and Thunder Bay District. This slide
12 and the next one are large piles of poplar that I came
13 across and took photos of. These piles were pointed
14 out to the MNR in Sault Ste. Marie at the slide show
15 and they subsequently contacted the MNR in Thunder Bay
16 and you have a letter --

17 MR. LINDGREN: This is Exhibit 1630,
18 Madam Chair.

19 THE WITNESS: 1630, right. Indicating
20 that the majority of these have been removed. When
21 they were cut, I would like to make note of the fact
22 that the subject heading is alleged wasteful practices.

23 MR. LINDGREN: Q. You are referring to
24 the attachment dated December 13th, 1989?

25 A. Correct.

1 A. Then I would like to state out in the
2 second paragraph -- last paragraph that for my
3 information the penalty is being imposed against this
4 operator for cutting unauthorized areas and wasteful
5 practices.

6 So I make note of the fact that my
7 allegations have been somewhat confirmed in the body of
8 the letter. I refer to that, I guess, because there
9 seemed to be a great deal of effort to point out from
10 my slided in the Industry meeting that this was all a
11 perception of mine.

12 Q. Are any of these logs still in the
13 field?

14 A. The majority of the logs seen in this
15 photo have been removed. That is very -- this is a
16 small portion of the clearcut area and there are other
17 logs which I will show photos of later which I can give
18 dates for that are still there as of July, 1990. This
19 summer they were there.

20 The fact that this letter from the
21 Ministry states that they have been removed is
22 incorrect. The logs in this photo are gone, but I will
23 you show you ones a little later that are not.

24 Q. This is No. 62.

25 A. No. 62 is a major access road into

1 fishing and hunting areas north of Nipigon.

2 No. 63 is an adjacent photo to that.

3 Q. In your original list you put the
4 word "perceived ground disturbace", what did you mean
5 by that?

6 A. I was probably getting a little
7 carried away with my term perceived. I think I had it
8 thrown at me so many times by the Ministry in that
9 meeting that I started to refer to this letter as my
10 perceived letter.

11 Visually -- what I'm saying is that the
12 damage done visually is what's there. Part of the
13 fallout from this is that having been in that area
14 myself it's highly attractive to tourists from
15 Wisconsin that enter via Fort Frances and Thunder Bay
16 and other northern states. It is a very poplar for
17 walleye, pickerel fishing, pike fishing and moose
18 hunting.

19 I have had on number occassions these
20 visitors come up to me very irate about the fact that
21 they have to pay a day use fee to camp in this sort of
22 terrain to go hunting and fishing. As a tourist, I
23 must tell you there are many -- not as a tourist, as an
24 individual those tourists have told me they are very
25 upset with this practice. They drive through 30 or 40

1 miles of this.

2 Q. Why would they be telling you that?

3 A. Because I am in that area, because
4 part of my work is in that area when I work for the
5 federal government. I assume it is because I drive a
6 green and white vehicle in my work.

7 I have had people come up to me and say:
8 We already paid, get out of here and don't bother us
9 anymore and grandmothers and little girls running into
10 camps.

11 Q. No. 64.

12 A. No. 64 and subsequent photos will
13 just be a continuation of logs that are sitting cut on
14 the ground that have been there now at least the second
15 year.

16 Q. We are looking at No. 66.

17 A. The piles in some instances here are
18 separated in that we have jack pine on the left and
19 large white -- sorry, jack pine on the right, large
20 white spruce left on the left. This road travels a
21 distance of about 20 kilometres and there are probably
22 in the neighbourhood of 30 piles like this along this
23 road.

24 Q. This is No. 67 that we are looking
25 at. What species of trees are here?

1 A. No. 67 is large pile of cedar. There
2 are four or five such piles and I think you will see a
3 continuation of these cedar piles that have been there.
4 I can only estimate from the growth in the background
5 and the decay of logs that they have been there in the
6 realm of five years I would guess.

7 Q. That's No. 68.

8 A. No. 68 is also cedar logs.

9 Q. No. 69.

10 A. Jack pine. Again, on the same road.
11 This is simply a motorcycle drive along this road and a
12 selection of photos of the piles that exist here.

13 Q. Does this road have a name?

14 A. Not that I know of. It is a logging
15 road. I certainly don't know a name.

16 Q. No. 70.

17 A. The same.

18 Q. No. 71.

19 A. No. 71 and a few slides to follow are
20 logs referred to in the Ministry letter from Thunder
21 Bay which says they were removed. I showed these
22 slides to the Ministry in December of '89 and had this
23 slide in my possession at that time.

24 The corresponding letter says they
25 weren't cut until the winter of 88/89 and they were on

1 the ground in '89. In fact, they were probably cut in
2 '87. In August of 1990 these logs and subsequent
3 slides that I will show are still on the ground. These
4 are all 16-foot white spruce.

5 Q. This is No. 72.

6 A. Yes, it is again white spruce that
7 were indicated in that letter to have been removed.

8 Q. 73.

9 A. The same thing.

10 74 and a few other slides are all poplar,
11 full length trees cut and skidded to the edge of the
12 road. In a distance of three kilometres I counted
13 about 13 such piles which still left there which in the
14 Ministry letter from Thunder Bay indicate they were
15 removed.

16 These again are the same.

17 Q. This is No. 76.

18 Mr. Oliver, perhaps we will break here
19 for lunch and we will return to the slides after the
20 break.

21 MADAM CHAIR: Thank you, Mr. Lindgren.

22 How much longer will we be with Mr.
23 Oliver's presentation?

24 MR. LINDGREN: We have approximately 30
25 slides and I have a few questions arising out of his

1 witness statement. I would say approximately an hour.

2 MADAM CHAIR: All right. And have you
3 checked with the other council to see how long they
4 will be in cross-examination.

5 MR. LINDGREN: No, I have not.

6 MR. CASSIDY: Half an hour or less.

7 MADAM CHAIR: Thank you, Mr. Cassidy.

8 Ms. Seaborn?

9 MS. SEABORN: One question, Madam Chair.

10 MADAM CHAIR: Ms. Blastorah?

11 MS. BLASTORAH: I expect, depending on
12 what comes after lunch, possibly an hour or less.

13 MADAM CHAIR: All right, then, we will
14 finish today by the sounds of it.

15 We better take an hour for lunch. We
16 will be back at one o'clock.

17 Thank you, Mr. Oliver.

18 MR. LINDGREN: Thank you.

19 ---Luncheon recess taken at 12:05 p.m.

20 ---On resuming at 1:05 p.m.

21 MADAM CHAIR: Good afternoon. Please be
22 seated.

23 MR. CASSIDY: I neglected to mention this
24 this morning, this being the first day of the new year,
25 to welcome the Board back from the holidays. I trust

1 that you had a good one.

2 MADAM CHAIR: Thank you, Mr. Cassidy. We
3 did.

4 There is one thing, Mr. Lindgren, before
5 I forget. It is a small matter. Mr. Hanna wrote to us
6 over the holidays and had a concern about the way the
7 wording of a question he had asked in the transcripts
8 and I think I will just read quickly what his
9 correction would be to that because he feels that it
10 has changed the evidence significantly.

11 This is from November 7th, 190, Volume
12 257, page 46,273, line 25. The original question was:

13 "Therefore using the free to grow
14 standards would be an appropriate way to
15 determine whether a site was degraded or
16 not in your view?"

17 This was a question Mr. Hanna put to Mr.
18 Marek and in fact the question was to be:

19 Would that be an inappropriate way to
20 determine whether a site was degraded or not and Mr.
21 Hanna believes that Mr. Marek responded with the
22 understanding that that's how the question was to have
23 been asked. I will just put that on the record as a
24 clarification for Mr. Hanna.

25 MS. BLASTORAH: Mrs. Koven, is Mr. Pascoe

1 going to be sending this out to the parties?

2 MADAM CHAIR: Mr. Pascoe made some
3 copies. I think you can just pick up the letter from
4 Mr. Pascoe.

5 MS. BLASTORAH: Thank you.

6 MR. LINDGREN: Thank you, Madam Chair.

7 Q. Mr. Oliver, I believe we left off
8 with photograph No. 77. Actually this is No. 76 that
9 we are looking at. Perhaps we will move on to No. 77.

10 A. This is a continuation of the photos
11 along this three-kilometre stretch of road which I
12 think I indicated there were 11 or 12 piles of --
13 similar piles of poplar logs that were skidded out and
14 not finished with.

15 Q. This is No. 78.

16 A. No. 78 is in the same area and it's a
17 pile of birch and poplar as well. There is a mix of
18 both there, and No. 79 is the same area, same type of
19 photo.

20 Q. And is that poplar as well?

21 A. Yes, that is primarily poplar.

22 From here we had changed to --

23 Q. This is No. 80.

24 A. No. 80 is in the Nipigon area. It is
25 about five years after the cut. I guess it is just

1 representative of what we have five years after a
2 clearcut, that there has not been a lot of improvement
3 done here, maybe very little is done. There are trees
4 planted in here. They are planted and you know that by
5 the spacing, but they are at this point still very
6 small and just fighting their way up through the
7 natural regen of the other species of trees there.

8 Q. Did you walk this site?

9 A. Yes, I did.

10 Q. Can you go back to that slide as
11 well. In your original list you included the word
12 "hazard" to describe this. Why was that?

13 A. My hazard concern again is with the
14 dead standing chicos, as they are referred to; the dead
15 trees that are left there. They are primarily birch in
16 this photo.

17 In fact, there are of significant size
18 relative to a lot of the other photos where the birch
19 remains. These trees rot and fall over. I think
20 chicos are a known hazard to people working in the bush
21 when they have to do and subsequently cut again or do
22 any kind of operation in that type of a stand.

23 Q. No. 81.

24 A. No. 81 is in the Sault Ste. Marie
25 District. I will clarify that. It is in Wawa

1 District. It is a Peever Township. It's right
2 adjacent to the Lake Superior Provincial Park. It is
3 within a couple of hundred yards of the park boundary.

4 This was a firewood permit issued for an
5 individual logging company to go in and haul firewood.
6 There are five similar piles of this nature. My
7 guesstimation is about 100 to 150 logs per pile which
8 were cut in 1987.

9 Very little, if any of this, I would say
10 that none of it was hauled out by the contractor after
11 it was cut, but subsequent it has been utilized by
12 locals and cottagers for firewood. You will see in the
13 next slide that a fair portion of one of piles has been
14 removed and thankfully is being utilized in one manner
15 or another.

16 In relation to this, I guess I question
17 the access to cutting permits. Can anyone get one? I
18 question that it's not been taken out and why there is
19 no follow-up that it is cut and then left in the bush
20 three and four years later to subsequently rot in many
21 instances.

22 I would like to draw a parallel to this
23 situation and I made reference to Diel Lake which is in
24 Whitman Township just behind Searchmont. It is a lake
25 in which I grew up as a kid for many years and in which

1 I have a bother and a sister both with camps on that
2 lake currently.

3 Last year a fellow who was full-time
4 employed at Algoma Steel who owned a skidder applied
5 for and got a firewood permit to sell firewood. He has
6 a ten-year permit. There is no restrictions as to when
7 he cuts, whether it is Saturdays, Sundays, people on
8 holidays, camping, et cetera. In my own mine I guess I
9 am questioning the accessibility of this type of
10 scenario and what type of follow-up takes place.

11 When this permit was issued in Diel Lake
12 the people were notified. I'm not sure if it was
13 published in the paper or not, but my brother-in-law
14 for one phoned the Ministry of Natural Resources and
15 said: What about cottages on this lake being disturbed
16 by the noise of skidders and trucks and the answer was
17 there are only a couple of cottages on the lake anyway.

18 It turns out that there are 35 to 40
19 cottages. Whether this was a new employee of MNR who
20 didn't realize how many lived there or what, I don't
21 know, I can't answer that, but their belief was that
22 there were two or three cottages that contained 35 to
23 40.

24 Other concerns had to do with the road
25 and damage to the road with skidders and logging trucks

1 and the answer was that he pays taxes the same as you
2 do. So that's not a concern, but again I emphasize
3 that there are five distinct piles of this nature
4 sitting there and the only use being made by the
5 occasional person who can access this, there is a very
6 steep hill to get in here, it requires a four-wheel
7 drive to climb to that hill and to get these logs to
8 begin with.

9 MADAM CHAIR: Excuse me, Mr. Oliver. I
10 don't quite understand the point of what you are
11 saying. Someone has been given -- in this Diel Lake
12 area a person has been given a licence to cut firewood?

13 THE WITNESS: Yes.

14 MADAM CHAIR: And when they cut the
15 firewood they have no responsibility to haul it off and
16 sell it?

17 THE WITNESS: I would clarify that in
18 that the Diel Lake situation is being hauled out and
19 sold. This is a different location. I was trying to
20 draw a comparison between the two in that they are both
21 firewood permits.

22 MADAM CHAIR: All right. I was confused.

23 THE WITNESS: This one here, there
24 appears to be no commitment to remove these logs and do
25 with them as planned in obtaining the firewood permit.

1 MADAM CHAIR: Just a question. Why would
2 someone cut wood for firewood and then leave it piled
3 beside the roadside?

4 THE WITNESS: It strictly is a commercial
5 venture to sell this wood as a marketable firewood
6 sale. Like, you would haul it out, cut it up and sell
7 it in cord wood form in all probability.

8 MADAM CHAIR: But you are saying in this
9 slide, No. 81, the person with the firewood permit has
10 cut the wood and left it by the side of the road?

11 THE WITNESS: Yes. It has been there
12 since 1987.

13 MR. MARTEL: No action taken by MNR?

14 Is that not the policy where they changed
15 from allowing people to go and get cut their own wood
16 on a permit which wasn't very successful and they
17 converted it I think to this sort of permit which
18 allowed someone to start a commercial enterprise who
19 would do the -- the strange thing, my colleague is
20 asking, why would someone be allowed to cut and then
21 not utilize what's there?

22 THE WITNESS: My feeling is the biggest
23 answer to that is there is a bad hill and they cannot
24 now get equipment in to remove it.

25 Not just say that. One of the other

1 fellows up there has subsequently been given another
2 permit to cut his own firewood basically in his own
3 backyard because it's a lot of Crown land with the
4 stipulation that if anybody wants personal wood for
5 firewood they can get it through him. He has to supply
6 it to sell to them. If they want to buy it from him,
7 he is committed to selling it to them from this woodlot
8 which he has in his backyard. That sort of ties in
9 with what I think you were saying.

10 I would like to make a little bit of
11 reference, considering that this is on the boundary of
12 Lake Superior Provincial Park, to a report which is put
13 out by a group called Action Superior. It was
14 published in 1977 dealing with Lake Superior Provincial
15 Park. Now I would simply like to read an excerpt from
16 this report.

17 MADAM CHAIR: Excuse me. Did you say
18 that was 1987?

19 THE WITNESS: '77.

20 MADAM CHAIR: Thank you, Mr. Oliver.

21 THE WITNESS: My intent here, I think, is
22 to show it is an ongoing problem and not something that
23 is today, but historically has been there and that's
24 why the reference to 1977 dealing specifically with
25 Lake Superior Provincial Park.

1 It has to do with insufficient resource
2 utilization. There are a couple of photos here which
3 shows bolts and chips, as well as firewood being left,
4 large amounts of cull, material left along the roadside
5 that could provide both wood and pulp, clear evidence
6 that during bulldozing activities merchantable trees
7 are knocked down and not harvested.

8 For that, they go on to state:

9 "The apparent efficiencies that these
10 practices indicate bring the whole
11 utilization concept into question. It
12 would appear that enough wood is wasted
13 each year to heat most of Sault Ste.
14 Marie and Wawa. We know of cases where
15 individuals have been prohibited from
16 harvesting roadside veneer cutting
17 operations and have subsequently been
18 given cutting permits to fell additional
19 standing timber while that already cut is
20 allowed to rot.

21 I state it as a comparison to the
22 continuation of this waste problem.

23 MR. LINDGREN: Q. Mr. Oliver, I
24 understand that the next series of slides commencing
25 with No. 83 have to do with a day trip that you took in

1 1990.

2 Before we begin with the photograph from
3 that day trip, can you advise me as to whether or not
4 the slides that you have just shown, are those
5 basically the same slides you showed to the MNR?

6 A. The previous slides, yes, were
7 presented to the MNR.

8 Q. And are the previous slides all the
9 slides that you have in your possession?

10 A. No, I think it's a small sample of
11 the pictures I have taken.

12 Q. In your opinion, are the problems
13 that are depicted in your photographs widespread or
14 frequently occurring throughout the districts that you
15 travel in?

16 A. Yes. In a word I would say yes. In
17 fact, I have a feeling that what these slides show
18 here -- I have a fear that maybe it doesn't indicate
19 what is really there. I think it is so widespread that
20 this is a very small portion representative of what I
21 have seen and I would hope that it's not taken too
22 lightly. I think it is much more widespread than what
23 I can present to you.

24 Q. Can you briefly explain to the Board
25 why you felt it was necessary to go out in this day

1 trip in 1990?

2 A. When I presented the slides to the
3 Ministry, I felt not from the Ministry but from
4 Industry that the previous slides that you have seen
5 and some others that were included and subsequently
6 removed, that there was an effort on Industry's part to
7 down play the importance of, to ridicule or imply that
8 is was a small percentage or four inch tops or just
9 shrub.

10 I felt subsequent to that, being involved
11 in this process which I am in now, that it was
12 important to maybe be more clear about some of these
13 slides, to show slides that wouldn't be able to be
14 ridiculed or down played as being less important than
15 what I think they are. It's an attempt to, I guess,
16 improve this presentation.

17 Q. And were the slides numbered 83 to
18 119 all taken on the same day?

19 A. Yes, they were.

20 Q. Were the sites that you photographed
21 hard to find or hard to locate?

22 A. All of those slides mentioned have
23 been taken off either a major roadway are a skidder
24 trail. They're all easily walkable. They are all very
25 accessible.

1 Q. Okay. We are looking at slide No.
2 83.

3 A. This trip in Sault Ste. Marie takes,
4 to get to these locations, approximately three hours
5 and I spent the majority of the day then going to
6 places I knew where I could get photos that were maybe
7 more representative, situations that I knew existed
8 than in past trips I hadn't bothered to take pictures
9 of thinking I already have enough and made this trip
10 specifically for this purpose, to collect this
11 information.

12 Again, they are mostly samples of what I
13 perceive or what I see as waste and timber left in the
14 bush that has a great deal of effort put into hauling,
15 cutting, skidding, et cetera, and then not bothered to
16 be removed. These first --

17 Q. Returning to No. 83. Can you
18 indicate how long you think those logs had been left in
19 the bush and what species are we looking at?

20 A. Primarily jack pine with some white
21 pine. The larger logs being white pine.

22 My estimate is that those logs have been
23 there in the neighbourhood of three years and I judge
24 that by some of the growth and the discoloration and
25 deterioration of the log. You can see that the bark in

1 many cases has come off of them and they have been very
2 weathered.

3 Q. Is this site close to a road?

4 A. I am probably standing on the road at
5 the base of the slide. It would be not a good road,
6 but certainly a skidder trail, a very easily walkable
7 trail.

8 Q. Thank you. No. 84.

9 A. No. 84, as I remember, I stood in one
10 location and took probably five or six photos of this
11 type of pile left, and my estimate would be that they
12 are all within a hundred feet of each other. They are
13 very close to each other and I could photograph five or
14 six of these piles without moving from a specific spot.

15 Q. No. 85.

16 A. No. 85 is on a better portion of the
17 road which was on its way to where those last two
18 slides were taken. Again, jack pine, full length logs
19 cut and left.

20 Q. No. 86.

21 A. No. 86 is simply a photo of a
22 clearcut. It is a little deceiving in that I am on a
23 hill. There is a large valley between us. The photo
24 is taken with a telephoto lense and that distance is
25 certainly in the range of better than a quarter to a

1 half a mile away.

2 Q. How steep is that hillside?

3 A. I would imagine it is about a 45
4 degree incline.

5 Q. This is No. 87.

6 A. In my initial slide show with the
7 Ministry, I made reference to infringements on AOCs and
8 the theoretical 30 metre strip of trees along major
9 canoe routes.

10 This is the Nushatagaini River in Havrot
11 Township. I did not have these slides at the time,
12 although I made reference to these infringements. So,
13 again, part of my purpose on this trip was to back up
14 my comments with photos.

15 We have a stretch of road here which
16 follows very closely along the Nushatagaini River and
17 with gravel and embankments in fact encroaching into
18 the river in many places and there are three or four
19 slides here which will show that infringement of gravel
20 pushed into the roadway.

21 Q. This is No. 88.

22 A. Into the river way, sorry.

23 The restriction that is there at this
24 river now is, at flood time has cause the majority of
25 the bridge to be eroded and almost impassable at this

1 point. The water has come up over that bridge in
2 spring run-off and has almost wiped that bridge out at
3 the present time. This is a major canoe route which
4 begins very close to Megisan Lake where George Nixon
5 has his tourist operation and this river runs into the
6 Aubinadong River and, again, is part of a very major,
7 heavily used canoe route.

8 Q. No. 89.

9 A. This is the same bridge looking
10 upstream rather than downstream. Again, to show the
11 lack of an area of concern protective boundary.

12 Q. No. 90.

13 A. Again, further up the stream where
14 you can see the gravel and the road being pushed into
15 the stream. You can see erosion in the very centre
16 there almost where the gravel is washing down into the
17 river as well.

18 Q. Is this a cold water stream?

19 A. Yes, it is a trout stream. Cold
20 water stream, yes.

21 Q. This is No. 91.

22 A. No. 91 is a small pond. It's not a
23 large body of water by any means. I use it as
24 reference to say that if we have to have massive
25 clearcuts, then these are natural places to leave a

1 body of trees which will provide wildlife habitat,
2 which will also break up the wind patterns from blowing
3 across these massive clearcuts.

4 There is nothing to restrict the wind and
5 the result in wind damage which is of a very big
6 proportion in areas that haven't been cut.

7 Q. This is No. 92.

8 A. Again, theoretically four-inch tops.
9 Just the top of trees that are not used.

10 93 is the same.

11 Q. Are those logs in fact larger than
12 four inches?

13 A. Many of them are, yes.

14 Q. 94.

15 A. 94, I refer to again as an area of
16 concern. I am standing in the clearcut and you can see
17 a lake in the background which has a very narrow band
18 of trees around it which is certainly less than 30
19 metres.

20 Q. No. 95.

21 A. No. 95 is, again, less than four-inch
22 tops according to Industry.

23 Q. 96.

24 A. 96 is large logs left, lumber waste
25 and I think in the very background the tops of these

1 two distant hills are clearcut as well.

2 Q. How far would those hills be?

3 A. Probably a mile away is my guess.

4 Q. This is No. 98.

5 A. 98 is in Havrot Township and an area
6 that was cut near the very beginning of this clearcut;
7 some of the first areas cut. It is an example to me of
8 how little has been done or how slow the regeneration
9 process is taking.

10 It is also an example that in this jack
11 pipe plantation there is a high proportion of damage
12 because of the monoculture situation.

13 Many of these trees are being deformed
14 and dying from these attacks.

15 Q. This is No. 99.

16 A. Yes.

17 Q. No. 100. Perhaps you can read the
18 sign for the Board and for the parties.

19 A. I will have to go up there. This is
20 in the same area of the last two photos. The sign
21 reads that this is a Havrot 4,200 black spruce family
22 test. I don't know what kind of test it is, but it has
23 to do with black spruce.

24 My interest in the slide was that I
25 couldn't find a black spruce in the area, but that it

1 has been planted with jack pine.

2 Q. No. 101.

3 A. No. 101 is the stakes which I assumed
4 were the planting sites of black spruce, and having
5 walked through here I was unable to find any, but there
6 are jack pine, many jack pine growing there.

7 Again, this is six years after the
8 harvest and where is our regeneration. There is a big
9 gap here in the time that the timber is removed and the
10 time that anything is replaced. You can also see large
11 piles of logs and windrows of logs. In fact, there is
12 quite an extent of log piled there from the cut which
13 was not removed.

14 Q. No. 102.

15 A. The same area and, again, windrows of
16 logs bulldozed up and pushed into piles and, in my
17 opinion, very little regeneration.

18 Q. 103.

19 A. In taking this trip and having made
20 reference to wind damage, this specific hill and
21 adjacent hills I have hunted in for approximately 12 to
22 14 years and in the last two years these hills are
23 basically unusable because there is so much wind
24 damage, there is so much blowdown, it is like a bunch
25 of pick-up sticks only on a large scale.

1 There are trees that are 15, 20 feet off
2 the ground. It encompasses white pine, jack pine,
3 birch, poplar, many species of trees and I think as a
4 side effect of clearcutting we end up with massive
5 blowdown. There are numerous mills in this area that
6 are devastated from wind damage.

7 It certainly has an effect on the habitat
8 and having hunted there for 12 years we finally moved
9 out of there because the moose have left it. It is
10 such a hazard that it is difficult for moose to utilize
11 some of these areas. You can go to the top of that
12 hill and look backwards and it is a swath which leads
13 directly to a clearcut. I mean, it's like a highway.
14 It has been mowed down directly to the clearcut.

15 It's not very representative and that
16 photo was taken with a telephoto lense again, probably
17 almost a quarter mile away from the side of that hill.
18 It doesn't indicate what I wish it would indicate, but
19 again I had a single day to do this and I couldn't fit
20 that in.

21 Q. No. 104.

22 A. No. 104 is just typically what the
23 entire area is like with very few patches of forest
24 left as far as habitat or protection of any kind. This
25 is five to six years after the clearcut.

1 Q. No. 105.

2 A. No. 105 is very small portion of this
3 hill, again taken with a telephoto lense from a
4 distance, but I think you can see the amount of soil
5 disturbance from the logging practice, the skidders
6 scraping the soil away, erosion situations and that is
7 a skidder trail running horizontally across the face of
8 the hill.

9 Again, five or six years after
10 clearcutting there appears to be little or no
11 generation -- regeneration. This hill has been
12 prescribed burn and planted and this is the result five
13 or six years later, even considering that it has been
14 planted.

15 Q. No. 106.

16 A. 106 is, again, a concern of areas of
17 concern in that that is the Aubinadong River. A very
18 large river, a major canoe route and the road is the
19 line at the base of the photo. There is probably less
20 than 10 feet, let alone 30 metres of protection along
21 this major canoe route.

22 Q. This is No. 107.

23 A. 107 is the seen which I found quite
24 often up there and these are the small containers which
25 the trees were in prior to planting. I just find it

1 interesting that there are such huge areas with these
2 empty -- or not empty, but not planted stock trees that
3 were to be planted. They may well have been dead trees
4 or non-plantable tree, I don't know. I just find the
5 abundance of these very questionable or very disturbing
6 and hopefully there can be an explanation of that.

7 MADAM CHAIR: Excuse me. What are we
8 looking at, Mr. Oliver?

9 THE WITNESS: The little white squares
10 are the containers that have the plantable trees that
11 are to be regenerated, to be planted.

12 MADAM CHAIR: And they have dead
13 seedlings in them?

14 THE WITNESS: Yes. They all contain dead
15 seedlings and there strewn around in numerous areas
16 similar to this.

17 MR. LINDGREN: Q. No. 108.

18 A. No. 108 is a photo of logs in Ferrier
19 Township. The example I intended to show was the
20 stained ends which apparently is enough to prohibit
21 them from being used by mill.

22 The ones in the lower left, you can see
23 that the ends are stained and turned dark and these
24 logs were there as of September the 15th, 1990. I
25 don't know that they haven't been removed to date.

1 Q. No. 109.

2 A. No. 109 is a small stream adjoining
3 two lakes and this lake is -- this little stream has
4 almost been completely blocked off by the jumble of
5 logs and debris pushed into it to create a roadway
6 across it. To me it's a significant blockage of the
7 stream which is reducing its flow and also the
8 indication of the waste logs and stuff left above it
9 which are bulldozed into the valley, into the little
10 ravines.

11 Q. No. 110.

12 A. No. 110, I indicate is the aftermath
13 of the harvest of a fellerbuncher. I have some numbers
14 here that I have used in the past which I would like to
15 repeat here.

16 These machines harvest about 100 trees an
17 hour and they operate 24 hours a day. Huge lights on
18 the top, three shifts a day non-stop. Numberwise,
19 that's 2,400 trees a day times 300 days a year, I use
20 as a round number, which is almost a million trees that
21 one of these machines takes down a year.

22 That only accounts for the trees that are
23 considered harvestable; the ones that are 40 to 50
24 years old. It doesn't account for the damage and the
25 waste of all the trees which is what I will say you see

1 on the ground which are 5, 10 and 15 years old that are
2 not big enough to be utilized, but they are certainly
3 being killed and destroyed in this clearcut process.

4 In Sault Ste. Marie, the Ministry stated
5 that they planted a million trees in 1989. I am saying
6 that one of these machines cuts down the equivalent of
7 the plant in the Sault Ste. Marie District, and in this
8 area there were four to five, to my knowledge,
9 operating three hundred and some days a year.

10 A point I would like to make of my own
11 interpretation is that is in the Industry there has
12 been great strides taken in the ability to remove these
13 trees with this very sophisticated equipment that runs
14 24 hours a days, yet in the regeneration process man
15 still plants by hand.

16 I am trying to draw a comparison here to
17 show that something has to be done for regeneration if
18 we are going to continue with this clearcut process.

19 Q. How big is this clearcut that we are
20 looking at? Are we looking at the entire cut?

21 A. This is a very small portion of the
22 massive cut which I indicated on the map. It is a
23 progression of it. We are at the top end of it which
24 has gone on now for approximately seven or eight years.

25 Q. No. 111.

1 A. No. 111 is an area of concern, as I
2 see it. I am standing on the lakeshore. It was
3 referred to the other day as the fish eye view looking
4 from the lake towards the clearcut and you can see
5 there is a very narrow band of trees. You can see many
6 trees that are blown down. Some of this is blowdown
7 from wind and some of it is mechanical damage from the
8 machines working the outside perimeter of that.

9 There are numerous trees that are either
10 blown down or knocked down and not harvested and,
11 again, a very narrow area of concern or protection for
12 this lake.

13 Q. No. 112.

14 A. No. 112 is the same photo from the
15 landside looking at the lake. These two pictures
16 oppose each other. Again, a narrow band and again the
17 blowdown that results from having no protection in a
18 clearcut area.

19 Q. No. 113.

20 A. No. 113 is a very common site. I
21 have come to the conclusion that it takes 19 litres of
22 oil to change the oil in a skidder. I come across
23 these piles of oil cans continuously and in seeing so
24 many I have counted them and have come up with that
25 figure.

1 I don't know if it is correct or it
2 isn't, but it's a very common site to find not only
3 these small oil cans, but large five gallon pails and I
4 mean 10, 15, five gallon pails at a time which are the
5 transmission fluid. I wonder in my mind what happened
6 to the oil that was in that skidder when it got
7 changed. It is common practice to just dump it on the
8 ground when you put the new stuff in. It is a very
9 common sight to me.

10 Q. No. 114.

11 A. No. 114, again, is Hammelman
12 Township. It is simply to be a representative of waste
13 that is left behind.

14 Q. What species is that?

15 A. Jack pine.

16 Q. No. 115.

17 A. No. 115 are some fairly big white
18 pine logs which were cut to eight-foot length, piled
19 and left and they have obviously been there for two to
20 three years, in my opinion.

21 Q. No. 117.

22 A. Jack pine, again, that has been left,
23 that has been there in the neighbourhood of three
24 years.

25 Q. This is No. 119.

1 A. Again, jack pine left and maybe a
2 large white pine in the centre of it. Again, waste
3 that has been there for two or three years.

4 I think that is the end of the log slides
5 and I revert back to my concerns of the small lakes and
6 the access to them and the effort that I make to find
7 places that are a little bit remote and my concern that
8 they don't exist anymore.

9 In fact, this lake and the one above it
10 and the one below it in this chain all have roads which
11 currently go right to the shore.

12 I guess I look at it and say to myself:
13 What's in jeopardy here, are these things being
14 destroyed to the point, not only myself but hundreds of
15 other people, thousands of other people will not have
16 the access and be able to enjoy it, whether it's
17 fishing, the canoeing, the hiking, the scenery,
18 whatever. I think there is...

19 Q. Can I ask you to go back to 121,
20 please. Prior to the construction of the roads, how
21 did you get into this lake?

22 A. This lake was accessible via the
23 garbage dump which we saw earlier, via canoe to that
24 point and then two or three portages which took the
25 better part of a day to access, and you can currently

1 drive to the shore of that lake.

2 Q. Are there cut-overs in or around that
3 lake now?

4 A. There are definitely cut-overs around
5 that lake, yes. In many cases, in parts, not of this
6 lake but the one above it, right to the shore.

7 Again, I'm trying to relate to my own
8 personal interest. This is a photo taken in Lake
9 Superior in Pukaskwa Provincial Park. The depth of
10 water there is probably 30 feet and that fish is down
11 15 or 20. It impresses me, that clarity, we have it
12 today and I am concerned with what's happening to our
13 environment that this scenario is going to be a thing
14 of the past.

15 Simply a photo of interest.

16 Q. And No. 126.

17 A. No. 126 I think says a lot. It shows
18 you the harvest date, the preparation date and planting
19 date. This photo was taken in July or August of 1990.

20 If that's, I guess, if I can be blunt, a
21 growing commitment to our future, then I'm concerned.
22 The photo was taken in the Thunder Bay District along
23 Highway 527 and there is more than one of those signs
24 and you can find that scene for many miles along that
25 highway. It is certainly not an isolated small patch

1 that I happened to photograph. It's a continuous
2 clearcut that covers many, many miles.

3 With that, I thank you.

4 MADAM CHAIR: Thank you, Mr. Oliver.

5 MR. LINDGREN: I do have a few other
6 questions for Mr. Oliver arising out of his witness
7 statement.

8 Q. Mr. Oliver, I am referring to
9 paragraph 13 on page 6 of the witness statement and
10 that's the portion of the witness statement that deals
11 your visit to the open house, and can I you as a
12 general question whether or not you are satisfied with
13 the open house process?

14 A. I think at this point I have almost
15 given up going to open houses and I have a feeling that
16 when you attend one of those the conclusions and the
17 decisions have already been made.

18 I would like to make reference to one in
19 particular where it was an open house to discuss access
20 roads and roads that were proposed to be built that I
21 had been driving on for approximately five years. To
22 tell me it was a proposed road was insane because I had
23 been using it for many years and I get the feeling that
24 open houses are an exercise in -- whether it is
25 something that has to be done, it's mandated, or it's

1 public relations or appeasement, I don't know, but in a
2 nutshell I would say I do not have a lot of faith in
3 what the open house end result is.

4 Q. After the November 1989 open house
5 and after the publication of the article in the Sault
6 Ste. Marie newspaper, I take it that the district
7 manager invited you to show your slides to MNR
8 representatives?

9 A. Correct.

10 MR. LINDGREN: We find the minutes from
11 that meeting reproduced as Appendix B, Madam Chair, in
12 the source book for witness statement No. 2.

13 Q. You will see on the first page, Mr.
14 Oliver, that there were approximately 16 MNR
15 representatives in attendance and four representatives
16 of the forest industry.

17 First of all, can I ask you whether or
18 not you were advised in advance that the forest
19 industry was going to be at this meeting?

20 A. I was rather shocked when I showed up
21 and found their presence.

22 Q. And were you intimidated by the
23 nature of the meeting in terms of the number of MNR
24 people that had showed up?

25 A. If there was any intimidation, it

1 mostly came from the Industry people themselves who --
2 I think at that point I became very thankful that the
3 district manager was there, that he kept a lid on
4 things and controlled the meeting extremely well and it
5 certainly was a benefit to me to have him at this
6 meeting because of the aggressiveness, I would say I
7 guess, of particular people from the forest industry.

8 I would like to point out certainly not
9 at all and, again, Mr. Meakin was very honest and above
10 board in that meeting.

11 Q. On the first page of the minutes,
12 fourth paragraph down, it was suggested by A. Macauley
13 that perhaps prior to making any public statements on
14 logging waste Mr. Oliver should have contacted the
15 operators themselves for possible explanations. Oliver
16 stated he has approach various logging companies to no
17 avail.

18 So, in fact, you have contacted logging
19 companies about the waste that you have observed?

20 A. I have not contacted via their office
21 or via their management, but have been in contact with
22 them via the people in the field, meaning the cutters
23 and the people that are out there doing the process.

24 Q. On the top of page 2 of Appendix B
25 there is a reference to one area in Havrot Township

1 that has been tagged for future site inspection. What
2 was that about?

3 A. As I recall, that specific site
4 inspection had to do with the large clearcut of the
5 tamarack swamp which appeared to have no rationale for
6 such a process.

7 Q. And was this a joint inspection that
8 was to be carried out by yourself and MNR?

9 A. Yes, it was.

10 Q. And has that occurred yet?

11 A. No, it hasn't.

12 Q. Then further down on page 2 under the
13 heading Discussion in the middle of the page, the one
14 that starts:

15 "It was suggested that the Ministry..."
16 and then skipping to the last sentence:

17 "C. Greenwood addressed the fish and
18 wildlife issues stressing that the MNR
19 is working toward integrated resource
20 management and all plans have the input
21 of all the services of the MNR to ensure
22 each value is protected."

23 Do you have any comment on that sentence?

24 A. I have difficulty understanding how
25 wildlife and fish habitat and the fisheries resources

1 can be protected in any way, shape or form with these
2 massive clear cuts.

3 There is so much access that the only
4 hope is a massive ongoing program of fish stocking and
5 limitation of people who fish and hunt via
6 restrictions, by these horrendous lottery systems for
7 moose hunting which I am sure are despised by every
8 individual in the province.

9 I just find the statement itself that
10 they cannot ensure the value is protected. If that's
11 part of their mandate, I think it's an impossibility.

12 Q. And reading halfway through the next
13 paragraph:

14 "It was pointed out that the Sault Ste.
15 Marie planning team is made up of MNR
16 staff and representatives of the Sault
17 anglers, Sault naturalists and forest and
18 tourism industries."

19 Mr. Oliver, were you advised by the MNR
20 that the Sault Ste. Marie planning team consisted of
21 these other groups?

22 A. Not specifically. My understanding
23 would be that these people have been consulted when
24 some of these plans are being arranged. Whether or not
25 they are parts of that team, I wouldn't know.

1 Q. Notwithstanding what is said here?

2 A. Yes.

3 Q. Okay. Do you have any other comments
4 about Appendix B?

5 A. If anything, I guess I would just
6 like to refer to the discussion as to what I feel the
7 problems are. They are itemized one to five there.

8 My major concerns are the size of
9 clearcuts and the inability to may be have bigger
10 protection areas around streams and rivers that are
11 prime habitat. I find that they are ideal locations to
12 enhance wildlife, that they are refuge for many of
13 these animals and they are their travel routes and to
14 get from one to another, they have absolutely no cover.

15 MR. MARTEL: Can I stop you there. You
16 have been in the business for some time, did the old
17 reserves, the old doughnut, provide for you, at least
18 in your mind, a better form of protection for wildlife
19 than the present system of 30 to 60 to 90 metre
20 reserves; in other words, before it was automatic I
21 think they were, what, 400 or 300 feet. I can't recall
22 the exact size.

23 THE WITNESS: I don't know.

24 MR. MARTEL: There used to be an
25 automatic reserve around all waterbodies and I forget

1 whether it was three for four hundred feet.

2 I was just wondering with your
3 experience - because that was only taken off maybe
4 three, four years ago I guess that was removed - what
5 the better form of protection was.

6 THE WITNESS: I think that if the AOCs as
7 indicated were utilized and enforced they might be
8 functional, but I don't think these 30 metre strips are
9 left if ever, very seldom.

10 I think there is such a problem with
11 enforcement of the law that exists that is not being
12 enforce, the rules are being broken, but I think it is
13 difficult to judge whether they had an opportunity to
14 prove themselves effective or not.

15 MR. LINDGREN: Q. Would you prefer to
16 see buffers larger than 30 metres around waterbodies?

17 A. Most definitely.

18 Q. Why is that?

19 A. I think it would be a natural, very
20 easily implemented system to increase the forest area
21 of protection for wildlife. There would have to be no
22 judgment made as to leave this tree and not that one
23 if there was a set rule as to sizes.

24 Much of northern Ontario consists of
25 lakes and streams that are interconnected and to me

1 it's a natural form that if you left those travel
2 routes or trails that animals and wildlife use it would
3 be self-sustaining, I suppose.

4 There seems to be a problem with what
5 size of stream do we protect and what size don't we. I
6 think there is so much damage from small streams that
7 aren't protected because the temperature rises, there
8 is no root systems of the trees to help prevent
9 erosion. There are all kinds of effects that take
10 place on small streams as well as large streams and I
11 think there has to be more concern over smaller bodies
12 of water.

13 As far as the waste goes, I think there
14 can be other industries created; i.e., the chipping
15 industry. I think that if large clearcuts do take
16 place and we are going to have massive blowdown, then
17 there should be a follow-up to the logging operation,
18 that someone should or could or be required to also
19 clear up some of these blowdowns where there are
20 thousands and thousands of trees laying on the ground.

21 My next item referred to there was the
22 garbage and litter and I'm convinced that there are
23 rules and regulations and laws that prohibit this that,
24 again, are not being enforced or carefully monitored.
25 They should definitely not be adjacent to waterways.

1 I think what we need is a broader use of
2 the resource, that it not be limited to the one person
3 for the sole person of producing trees and making
4 money, but there has to be much more concern over the
5 other users, whether it be the tourists, hikers,
6 fishing, hunting. There has to be a better harmony
7 here for all.

8 And the fifth one is reserves or buffers
9 which either should be enforced as they exist, which
10 they don't appear to be to me, and/or increased in
11 size, that they could utilize the natural geographic
12 features such as lakes and streams to break up these
13 massive clearcuts by simply using some type of rule of
14 that kind.

15 I think I stated before that I'm not
16 against clearcuts in principle if that is the most
17 economical, efficient way to harvest what is there, but
18 the abuses and the size must be limited and that the
19 waste left must be monitored or put an end to. I mean,
20 I just can't rationalize or satisfy myself with an
21 answer as to why there is so much waste left.

22 Q. I believe, Mr. Oliver, that your
23 recommendations are summarized in Exhibit 1631 which is
24 the one interrogatory question from the OFAH.

25 Looking at this document, Mr. Oliver, can

1 you perhaps summarize your concerns from what you have
2 seen, from you have observed and from you have
3 photographed and can you indicate what you would like
4 to see done to address those concerns?

5 A. Other than reiterating what's there
6 as item No. 27, reduction in size of clearcuts, better
7 protection, enlargement of AOCs, some sort of
8 enforcement of the existing rules, maybe some research
9 into regeneration so that this great gap doesn't exist
10 between the mowing down of the trees and the
11 regeneration, planting with shovel and I guess a better
12 mix of use of the forest for more people other than the
13 logging industry.

14 Q. Do you have any final conclusions or
15 messages for the Board?

16 A. Just that I thank you for this
17 opportunity and I guess if I have a fear, again, it is
18 that I can't present to you what I really feel is out
19 there, that I have maybe inadequately said to you what
20 I see or what I feel and I only hope I can, through my
21 feelings, show you what is out there.

22 That's all I have to say.

23 MADAM CHAIR: Thank you very much, Mr.
24 Oliver.

25 MR. LINDGREN: Thank you, Madam Chair.

1 MADAM CHAIR: Mr. Lindgren.

2 Mr. Cassidy, are you prepare to go ahead
3 with your cross-examination?

4 MR. CASSIDY: Yes, I am Madam Chair. It
5 would probably be better if Mr. Oliver moved down to
6 the sides so we can get on with it.

7 MADAM CHAIR: Thank you, Mr. Oliver.

8 CROSS-EXAMINATION BY MR. CASSIDY:

9 Q. Mr. Oliver, my information is that
10 with the exception of the last photograph, all of the
11 photographs that you have shown to the Board and listed
12 in your evidence were taken on what are known as Crown
13 management units.

14 Are you in a position to disagree with me
15 on that?

16 A. No, I'm not.

17 Q. I am interested in the photographs in
18 relation to Marne Township. I don't think it's
19 necessary to pull them out or look at them, but for
20 your reference, Madam Chair, and you can correct me if
21 I am wrong, Mr. Oliver, we are looking at pages -- I'm
22 sorry, photos 47 through 52 appear to be the ones that
23 are indicated as Marne Township.

24 Mr. Oliver, you indicated in your list at
25 Exhibit 1629 that those photographs appear to be taken

1 in 1988. Am I reading that correctly?

2 A. They were 47 through...

3 Q. 52, sir.

4 A. I couldn't be specific that it was
5 specifically '88, but it was certainly '87 or '88.

6 Q. Okay.

7 A. I would think it was '88.

8 Q. Do you happen to recall what time of
9 the year they would have been taken in either years?

10 A. They were midsummer.

11 Q. All right. And you have made
12 reference on several occasions to Mr. Meakin?

13 A. His name is Jeff Meakin; is that
14 correct?

15 A. Yes.

16 MR. CASSIDY: The Board will recall that
17 Mr. Meakin gave evidence in Sault Ste. Marie at the
18 satellite hearing.

19 Q. You indicated that you were impressed
20 with Mr. Meakin's honesty and I am glad to hear that
21 because I've had a conversation with Mr. Meakin about
22 those photographs and he has given me some information
23 which I want to put to you on the assumption of your
24 previous evidence.

25 I am going to ask you to agree or

1 disagree or indicate you are not in a position to
2 disagree. My information from Mr. Meakin is that the
3 harvesting in Marne Township that he conducted occurred
4 in the month of March, 1987, so it was winter
5 harvesting and that there was hauling of logs that
6 occurred on March 22nd and 23rd, but due to an
7 unexpected and surprised fog, the winter roads that
8 were being used broke up on March 24th.

9 However, on the day before that, some 42
10 cords of pulp were removed before the break up occurred
11 and my information is also that on March 27th Mr.
12 Meakin attempted, notwithstanding the break up of the
13 road which made further removal of logs by road
14 impossible, attempted to skids out the remaining cords
15 of timber which he estimates at 20 cords or
16 approximately 250 logs.

17 My information from Mr. Meakin is -- if I
18 am going to fast for you tell me to slow down. My
19 information from Mr. Meakin is that he continued his
20 efforts to get the remaining 20 orders out by skidding
21 on Saturday, March 28th, the next day, but could not
22 get them out.

23 My information further from Mr. Meakin is
24 that on Monday, March 30th, there were colder
25 temperatures but he was not able to prepare the road to

1 get out the remaining 20 cords of timber, but he did
2 continue attempting to skid them out until his
3 equipment broke down, and to avoid rutting he pulled
4 out of area and leaving 22 cords of wood left.

5 My information further from Mr. Meakin is
6 that in that township he hauled as the logging
7 contractor some 629 loads of logs and that the
8 remaining load, which I believe you had a picture of,
9 which was I believe photo No. 51 or 52 represented one
10 load which was the very load that he was trying to get
11 out after the unexpected break up.

12 As a result, he was not able to get that
13 load out which is the one photograph that you had of
14 that township load. Are you in a position to disagree
15 with any those of these statements?

16 A. Most certainly not. I think, as I've
17 indicated, that Mr. Meakin discussed with me the fact
18 that they didn't come out and I have felt nothing but
19 respect for the individual and truly attempt -- or
20 truly appreciate his honesty in any of his operations I
21 have seen.

22 Q. All right. You can tell me whether
23 or not you are agree that Mr. Meakin in fact had that
24 information available because he kept - I pardon the
25 pun - a logbook of his activities relating to that

1 event.

2 So in the circumstances where he had a
3 logbook and you would not have notes, in fact if you
4 were not aware of the events occurring you would defer
5 to his notes and understanding of what happened. Would
6 you agree be that?

7 A. I have not seen his log and did not
8 know it existed. He simply stated to me that he knew
9 the load was missing and was upset that his guys did
10 not haul it out. That was my information from him and
11 I have no reason to dispute it.

12 Q. All right. Now, the photographs, as
13 you indicated, were taken in 19 -- what you think is
14 the summer of 1988. You said a minute ago you might
15 have thought it was the summer of 1987.

16 If Mr. Meakin told you that he was in
17 fact harvesting in March of 1987, it is therefore
18 possible that your photograph could have been taken in
19 the summer of 1987 only a couple of months after he
20 harvested, in effect. Is that possible?

21 A. No, that's not possible because I had
22 seen the logs there the year previous to this photo
23 being taken, and if he harvested them in '87, then
24 these were taken in '88.

25 Q. Okay. So that confirms your photos

1 one year after the attempts were made; is that correct?

2 A. Yes.

3 Q. All right, thank you. Now, you
4 indicated that you had some concern about the roads in
5 the -- I take it it would be the Sault Ste. Marie area
6 is your primary concern and you are very concerned
7 about the permanence of roads, that they should not be
8 permanent there.

9 Is that an accurate overview of one of
10 your major concerns about roads?

11 A. Yes.

12 Q. Are you aware, sir, that this Board
13 has heard evidence from individuals residing in
14 northern Ontario, and I am thinking in particular of
15 the Mayor of Kapuskasing who gave exactly the opposite
16 evidence, that roads should be maintained after their
17 forestry purpose is completed?

18 A. No, I'm not.

19 Q. Having had that information provided
20 to you by me, would you agree, sir, that there are
21 people in northern Ontario who do not share your view
22 regarding the permanence of roads?

23 A. Yes, I will agree with that.

24 Q. With respect to moose populations, I
25 take it you are not a wildlife biologist?

1 A. No, I am not.

2 Q. You are an entomologist technician;
3 correct?

4 A. Correct.

5 Q. And you have not gone out and done
6 moose population surveys in the Sault Ste. Marie area?

7 A. No, I haven't.

8 Q. And you have not in fact referred to
9 any moose population surveys in giving your evidence
10 today; is that correct?

11 A. No, I haven't.

12 Q. In fact, are you aware that there is
13 evidence, particularly with respect to the Chapleau
14 Game Preserve, that in fact moose populations increased
15 after clearcutting?

16 A. Not specifically Chapleau, but I
17 realize and read that the moose population is on an
18 increase.

19 Q. Across the province?

20 A. Across the province.

21 Q. Now, just going to your expertise
22 again, you were called here as a lay witness and I
23 assume that Mr. Lindgren advised you of what that
24 meant, but I would like you to confirm, sir, that you
25 do not expertise in the following areas: Wildlife

1 habitat, fish habitat, mill processes or silvicultural
2 regeneration. You are not an expert in any of those
3 areas; is that correct?

4 A. No, I'm not.

5 Q. And, therefore, you would agree with
6 me that the Board when considering, weighing the
7 evidence that has been adduced at this hearing, when it
8 comes to weighing your evidence versus those of someone
9 who is so qualified in any one of those areas they
10 should defer to their evidence?

11 A. I don't think I would agree with that
12 carte blanche, no.

13 Q. All right. So it is your evidence
14 then, notwithstanding you don't have the expertise, the
15 Board should give your evidence greater weight than a
16 person who does?

17 MR. LINDGREN: Madam Chair, this is
18 clearly an item for argument. I'm not sure Mr. Cassidy
19 can or should explore this further.

20 MR. CASSIDY: I am interested in the
21 witness' view of his own evidence. That may be of some
22 value and as a result I would like to explore it.

23 MADAM CHAIR: Mr. Oliver, Mr. Cassidy
24 doesn't have an opinion about how this Board will
25 assess your evidence, he will give it to us later on in

1 argument, but he isn't telling you now how we should
2 assess your evidence.

3 What he wants to hear from you is your
4 opinion whether you think we should look at your
5 evidence and give it the same weight as we would
6 someone who is a wildlife biologist when it comes to
7 your opinion about moose, for example.

8 THE WITNESS: I don't propose to imply
9 that you should give me more weight of equal weight of
10 someone who is an expert in a certain area, but I would
11 certainly hope that my experience and my time spent in
12 the wilderness and my lifestyle and what I do should
13 carry some weight.

14 MR. CASSIDY: Q. Thank you. Returning
15 to photograph No. 126, we don't need to see again, I
16 took a note that the sign that is painted on there or
17 as posted states that it was planted in 1988; that is,
18 the area -- do you have it, Madam Chair?

19 MADAM CHAIR: Yes, we do, Mr. Cassidy.

20 MR. CASSIDY: Thank you.

21 Q. I understand from your last exhibit,
22 1629, that photograph 126, I believe in your oral
23 evidence, sir, you referred to as photograph 128, but
24 my indication in your list says it is 126 and I am
25 going to proceed on that basis unless Mr. Lindgren

1 tells me otherwise.

2 MR. LINDGREN: It is No. 126.

3 MR. CASSIDY: Q. The list indicates that
4 it was taken in 1990. Do you see that?

5 A. Correct.

6 Q. And that is in fact the date it was
7 taken, probably last summer?

8 A. Correct.

9 Q. In your view -- and I know that you
10 indicated that you do not have regeneration or
11 silvicultural experience, I would simply ask you to
12 note that there were only two years apart from the date
13 you took the photograph to the day it was planted and I
14 take it you are not, sir, suggesting that two years
15 after planting is an adequate time to make a judgment
16 about an area; are you?

17 A. I'm not sure in what manner you mean.

18 Q. Let's talk about what you mean. You
19 were talking about regeneration--

20 A. Correct.

21 Q. --success; were you?

22 A. Yes.

23 Q. Well, if that's the case, how can you
24 say that only two years after planting is an adequate
25 time to judge the regeneration success of that area?

1 A. I would like to see something
2 growing, I guess.

3 Q. You have indicated to me earlier you
4 do not have regeneration expertise, and I take it that
5 you did not consult any silvicultural records to see
6 what was grown on the site or the nature of the soil
7 conditions such that you could make an informed
8 judgment about what we would expect to see after two
9 years. You never did any of those investigations prior
10 to coming here today; did you?

11 A. No, I didn't.

12 Q. In fact, you never spoke at all to
13 anybody at Abitibi-Price; did you?

14 A. No, I didn't.

15 Q. Let's get back to who you spoke to in
16 respect to some of the other photographs, however.

17 You indicated in response to some of Mr.
18 Lindgren's questions in respect of Appendix B that when
19 it was suggested to you that you should have spoken to
20 some of the companies, you said you did speak to some
21 of the companies and then when it was made clear as to
22 who it was you spoke to it was operators in the field.

23 Have I accurately stated what your
24 evidence was just a few minutes ago?

25 A. That I spoken to operators in the

1 field, correct.

2 Q. But you didn't speak to any of the
3 companies operating on those Crown management units at
4 a management level; is that correct?

5 A. I think I indicated that in my
6 comments that I didn't talk to management, you're
7 correct.

8 Q. Is it fair to say, Mr. Oliver, and I
9 would just like your comment on this, that the issue of
10 utilization, which I will also call the issue of waste,
11 is really, from your perspective, a concern with
12 respect to how the forests are being managed?

13 A. I think the management of those
14 forests is part of it. The waste is a separate entity
15 which I can't see should exist.

16 Q. I suppose if you were trying to
17 determine whether or not there was waste you would look
18 at how the forest is being managed to determine whether
19 or not that waste is there by way of management design
20 or there by way of management breakdown or a problem in
21 management. Would you agree with that comment?

22 A. I'm not sure I understand what you
23 are asking me.

24 Q. Well, I am trying to get your
25 evidence clear, sir, and I am asking you, is the issue

1 of waste in your view a problem indicative of a problem
2 with management of our forests?

3 A. I would say yes to that in that it
4 shouldn't be allowed, that the people managing this
5 forest should not allow this to take place.

6 Q. I see. And the people managing the
7 forest would be MNR and the local companies; is that
8 correct?

9 A. Yes.

10 Q. Now, you spoke to MNR at their open
11 house and you weren't too happy with the responses you
12 got; is that right?

13 A. No, I wasn't.

14 Q. All right. And that was speaking to
15 them as forest managers? You weren't talking to them
16 as fish managers, you were talking to them as forest
17 managers from the timber production point of view;
18 right?

19 A. Yes.

20 Q. But you never spoke to company
21 management notwithstanding, sir, you just told me that
22 it is related to the management of the forest.

23 Why did you choose not to do that when
24 you knew it was related to forest management?

25 A. I would like to relate the scenario

1 to you. I went to the Ministry with these concerns and
2 was directed initially by the personnel at the counter
3 and ended up going to see three or four various people
4 who they directed to me. It wasn't my choice who I
5 spoke to, but who they directed to me as being in
6 charge of that problem that I was concerned about. It
7 was not my request to speak to anyone in particular.

8 Q. But you have since become aware that
9 it was company -- you were not about talking company
10 management, obviously you told us that earlier in your
11 evidence?

12 A. Correct.

13 Q. Yet you made no effort to discuss
14 with company management other than perhaps Mr. Meakin
15 about some of these difficulties; is that fair to say?

16 A. That's fair to say.

17 MADAM CHAIR: Mr. Oliver, in your own
18 mind how do you suppose someone like you would go about
19 identifying company management and getting in touch
20 with them?

21 THE WITNESS: I imagine it would require
22 going to a company office or arranging a meeting or
23 time that they had to spare or offer.

24 MADAM CHAIR: Would you just call up the
25 swithboard of Abitibi-Price and say you wanted to talk

1 to someone about a problem?

2 I guess I am just asking whether as a
3 member of the public you think that wouldn't be a
4 really easy thing to do, or you think it would be.

5 THE WITNESS: I think it would be. I'm
6 not sure I would be given the time.

7 It may well be an easy thing to do, but I
8 would like to go back to the scenario that I have
9 avoided this situation in going through this process
10 for many years because of the position I feel I am, and
11 I think that if I went and started hammering on doors
12 of management, personnel of logging companies, then I
13 would probably be forcing this issue or aggravating the
14 situation that I feel I am in and I don't think that's
15 my job here. I am simply trying to present information
16 as I see it.

17 MADAM CHAIR: Who do you think has
18 ultimate responsibility for the issues that concern
19 you, MNR or Industry?

20 THE WITNESS: I think the enforcement of
21 this belongs with the MNR.

22 MR. MARTEL: Let's back up one step
23 further, though. I think Mr. Cassidy started his line
24 of questioning that most of these are in fact forest
25 management agreement -- not forest management

1 agreement --

2 MR. CASSIDY: Crown management units.

3 MR. MARTEL: Crown management units which
4 in fact you would be dealing with much smaller
5 companies than Abitibi which would make it somewhat
6 more difficult, I would presume, to identify who they
7 are in some instances as to who is cutting certain
8 blocks.

9 MR. CASSIDY: I don't know if that was a
10 question for Mr. Oliver or not.

11 MR. MARTEL: I think you got the gist of
12 it.

13 MR. CASSIDY: One might also take the
14 opposite position that it is not as hard to deal with a
15 smaller company instead of being faced with a larger
16 one, Mr. Martel.

17 MR. MARTEL: I am just saying that in
18 some instances some of the jobbers, if you had third
19 party agreements and so on, are somewhat more
20 difficulty to track down than would be, let's say,
21 someone like Abitibi-Price or MacMillan Bloedel or
22 someone like that. Just compounding the problem.

23 MR. CASSIDY: Q. But in many instances,
24 Mr. Oliver, you were aware of some of the major smaller
25 companies operating in your area; were you not?

1 A. In fact, in the clearcut area of
2 Havrot Township there have been problems with the
3 cutters and, in fact, Mr. Meakin's recent job in there
4 has been very recent because he finished a five-year
5 cut that he had ahead of time, they put him in with two
6 other jobbers. So there were three or four jobbers
7 working in this areas that I am aware of.

8 Q. You are familiar with companies like
9 Midway?

10 A. I know the name Midway, yes.

11 Q. St. Mary's Paper?

12 A. Yes.

13 Q. A few other companies of that size in
14 the Sault Ste. Marie area?

15 A. Yes.

16 Q. You didn't contact any of them?

17 A. No, I didn't.

18 Q. If I can move on. Photographs 104
19 and 105, you mentioned that the pictures were taken
20 five or six years after the harvest?

21 A. Yes.

22 Q. How do you know that?

23 A. I know that because I have spent many
24 years in this area. I've fished, canoed and backpacked
25 in this area for many years and these particular spots

1 obliterated by canoe routes, my portage trails, et
2 cetera.

3 Q. Did you observe the year it was
4 harvested?

5 A. Yes.

6 Q. In other words, did you see the
7 harvesting operations going on?

8 A. Yes, I did.

9 Q. Did you see the year of any
10 subsequent site prep or other types of activities that
11 went on in that area?

12 A. I have seen very little in manner of
13 site prep. I can relate to one machine there which was
14 doing scarification work in the time I have been there.
15 I'm not saying it wasn't done, I'm saying I saw that on
16 one occasion.

17 Q. You didn't make notes of the years
18 that you observed these operations on? This is from
19 your memory; is that correct?

20 A. Yes, from my memory it was last year,
21 1989.

22 Q. No, I am talking about the harvesting
23 five or six years ago. That's from your memory? You
24 didn't make notes in 1987 or '86 or '85 that this area
25 was harvested in this year?

1 A. No, I didn't make specific notes
2 other than the progression with which this cut has
3 taken place which started at the base of a pie shape
4 and has gradually increased northward, and that 1987
5 and 1988 were years that I went to the MNR office in
6 Blind River.

7 Q. Mr. Oliver -- not long, Mr. Martel.

8 MR. MARTEL: No, I'm just -- I haven't
9 put you on the clock yet.

10 MR. CASSIDY: Good, it has only been 20
11 minutes. I said I had half an hour.

12 Q. Mr. Oliver, if a labour dispute
13 intervenes between the time of harvest and the time of
14 transport to the mill and if during that period of time
15 you take the photograph of the area, would you consider
16 that to be a waste, that wood?

17 A. I don't know if that kind of thing is
18 in my jurisdiction.

19 Q. Well, you talked about waste. You
20 gave lots of evidence about waste, so I think if you
21 are qualified about anything -- you were talking about
22 waste here, so let's have your answer.

23 A. Do I think it is fair that a labour
24 dispute disrupts the hauling of this wood?

25 Q. No, no, that's not my question.

1 Would you term that wood that's left on
2 site as a result -- for any extended length of time as
3 a result of a strike, would you consider that to be
4 waste or underutilized wood?

5 A. I would think it is definitely
6 underutilized wood. It may have some factors affecting
7 it that it didn't get it all out, but I still look at
8 it as waste wood, yes.

9 Q. You still consider it wood, but is it
10 fair to say that there are a lot of explanations for
11 wood being left in the woods, such as strikes, which
12 can be offered for wood being left in an area?

13 A. I suppose there are exceptions, yes.

14 Q. Exceptions.

15 A. I cannot recall in my mind that there
16 was ever a strike or a problem in that area. Maybe
17 there was, but in the time I have been there has been
18 continuous cutting and continuous hauling. So I have
19 not seen that as an example of a cause.

20 Q. If there was such a dispute, you
21 would never tie it in your mind to the wood being left
22 there. You have never done that; have you?

23 It never occurred to you before me asking
24 you the question; has it?

25 A. No, it hasn't and I suppose it

1 wouldn't occur to me because I see a continuous
2 operation going on. If I saw that there was no
3 operation going on, then I would say, is there a reason
4 for it not going on, why the stoppage.

5 Not having seen that, I agree with you,
6 it did not cross my mind.

7 Q. Okay. Now, photograph No. 1 -- just
8 bear with me, Mr. Oliver, there are a lot of
9 photographs here and I want to make sure I get the
10 right one.

11 Photograph No. 12 I think you described
12 as a scenic slash pile, and my question to you is: Is
13 that site in your view a site where if there has to be
14 clearcutting that that slash should have been removed,
15 in your view?

16 A. In my view I would certainly hope
17 that in the clearcutting operation, yes, the stuff be
18 utilized.

19 Q. Okay. And that means removed from
20 the site?

21 A. To a usable end result, yes. Whether
22 it be chipped board or pulp mill, yes.

23 Q. So you would like to see that scenic
24 slash pile taken right off the site for utilization; is
25 that correct?

1 A. The usable timber in it, yes.

2 Q. If there was any, in fact, usable
3 timber, it could be a good portion of that particular
4 pile; couldn't it?

5 A. Certainly a portion of it, yes.

6 Q. A good portion?

7 A. I would think somewhere around 40 per
8 cent of it.

9 Q. So almost half of that --

10 A. Almost half.

11 Q. And I also want to confirm you are
12 not an expert in soils; is that correct?

13 A. Correct.

14 Q. Therefore your comments on soil
15 erosion are simply based on visual observations and not
16 on any expertise you have?

17 A. Correct.

18 Q. Photograph No. 81, Mr. Oliver -- I
19 think 81 and 82 are the same site; is that correct?

20 A. They are two separate piles of five
21 piles that exist in that area, same site.

22 Q. Same site?

23 A. Yes.

24 Q. Same site, just different piles?

25 A. Yes.

1 Q. I think you gave evidence that this
2 was an area where you think that there was -- bear with
3 me for a second. The reason it was left there was
4 because there was no way to get it out?

5 A. Not that I don't think there was any
6 way to get it out, that there were concerns over the
7 erosion on the hill which was access to this area.

8 Q. How does that concern with erosion
9 relate to utilizing the wood?

10 A. Erosion of the road which was its
11 access.

12 Q. Oh, I see.

13 MR. CASSIDY: Those are my questions,
14 Madam Chair.

15 MADAM CHAIR: Thank you very much, Mr.
16 Cassidy.

17 Ms. Seaborn.

18 MS. SEABORN: Thank you, Madam Chair.

19 CROSS-EXAMINATION BY MS. SEABORN:

20 Q. Mr. Oliver, I just have a couple of
21 questions for you. You recall that you showed us
22 photos 36 and 37 that related to a dump site and my
23 question is: Did you have any discussions with anyone
24 at the Ministry of the Environment in relation to the
25 existence of this site?

1 A. No, I didn't.

2 Q. Okay.

3 MADAM CHAIR: Excuse me, Mr. Oliver. Do
4 you think a member of the public would know they had to
5 talk to someone at the Ministry of the Environment as
6 opposed to MNR about a dump site?

7 THE WITNESS: I think if I can try and
8 clarify it. When I asked the Ministry of Natural
9 Resources about the dump site, they said they had
10 people in the area that would look at it, that they
11 would bring it to the attention of the Ministry of the
12 Environment and maybe I should as well.

13 I did not go to the Ministry of the
14 Environment, but I felt that through the Ministry of
15 Natural Resources there was going to be an inspection
16 of it.

17 MS. SEABORN: I am not suggesting, Madam
18 Chair, that there is any onus on Mr. Oliver or any
19 other member of the public to advise the Ministry of
20 the Environmnet. I just wanted to know for my own
21 information and my clients whether Mr. Oliver did speak
22 with any officials at the Ministry of the Environment
23 and that's the purpose of the question.

24 Q. Mr. Oliver, following from that, do
25 you have any information or knowledge as to whether any

1 charges were laid against any individual or group in
2 relation to the existence of the site?

3 A. To the best of my knowledge, no.

4 Q. That no charges were laid or that you
5 have no information?

6 A. I don't know of any charges. I don't
7 have any information of that at all.

8 Q. Do you have any information as to
9 whether or not the dump site was originally authorized
10 as a waste disposal site when it was originally set up?

11 A. No, I don't.

12 MS. SEABORN: Those are my questions,
13 Madam Chair.

14 MADAM CHAIR: Thank you, Ms. Seaborn.

15 We will take our break now and, Ms.

16 Blastorah, are you still going to be with us after the
17 break?

18 MS. BLASTORAH: I expect I am going to be
19 very brief because I don't know how long my voice is
20 going to last.

21 MADAM CHAIR: All right, fine. We will
22 take our afternoon break now.

23 MS. BLASTORAH: Thank you.

24 ---Recess taken at 2:30 p.m.

25 ---On resuming at 2:50 p.m.

1 MADAM CHAIR: Please be seated.

2 Ms. Blastorah.

3 MS. BLASTORAH: I think I am far enough
4 back that I am not contagious from here.

5 MR. CASSIDY: Thanks a lot.

6 MS. BLASTORAH: Except for my colleagues.

7 CROSS-EXAMINATION BY MS. BLASTORAH:

8 Q. Mr. Oliver, to begin with I would
9 just like to clarify something Mr. Martel inquired
10 about. He asked you about the helicopter tour which
11 you indicated had been an offer from the Ministry.

12 I think you indicated quite fairly in
13 response to Mr. Martel's question that you couldn't lay
14 any blame on the Ministry that that trip had not taken
15 place.

16 I would just like to clarify that in
17 Exhibit 1630, which is the letter you filed dated
18 January 3rd, 1990, Mr. Lissard indicates there that
19 helicopter trip was originally planned to be held on
20 December 20th, 1989, but that was the date that was
21 cancelled due to snow depth; is that correct?

22 A. Correct.

23 Q. It is my understanding that
24 throughout the spring and summer of 1990 that there
25 were numerous attempts to arrange that, various phone

1 calls from the Ministry to you and so on, but due to
2 your work schedule you were unavailable essentially
3 during the summer; is that correct?

4 A. It's a combination of things in that
5 in July and august -- or June, July, sorry, I am out of
6 town for almost two months straight and the spring is
7 an impossibility, you're correct.

8 Q. And I would just like to show you
9 another letter to you from Mr. Lissard dated September
10 17th, 1990 and I would ask you to confirm that you had
11 received this letter.

12 A. Yes, that's correct.

13 Q. You received that. You can just keep
14 that copy if you like.

15 That letter, again, indicates that due to
16 your workload and other problems that the Ministry had
17 not been able to arrange that joint field trip between
18 yourself, the Sault Ste. Marie District staff and the
19 Blind River staff, but that the offer still stands;
20 correct?

21 A. Yes, that's very correct.

22 Q. You are still intending to pursue
23 that and you are still following up on that with the
24 district?

25 A. Yes, and subsequent to this letter I

1 called Mr. Lissard's office on two occasions, one of
2 which he was deer hunting and the other he was on
3 holidays. So it's not something that's been put of
4 indefinite, it's a scheduling problem.

5 Q. Thank you.

6 MS. BLASTORAH: I would like to mark that
7 as an exhibit.

8 MADAM CHAIR: That will Exhibit 1633.

9 MS. BLASTORAH: Thank you.

10 ---EXHIBIT NO. 1633: Letter dated September 17, 1990
11 to Mr. Oliver from Mr. Lissard,
12 district manager, Sault Ste.
Marie.

13 MS. BLASTORAH: Q. Mr. Lindgren asked
14 you a question in response to which you indicated that
15 you were to carry out a joint site inspection with
16 Blind River District of some of the areas to which the
17 Blind River photographs relate, and I take it that is
18 to be part of this same field tour?

19 A. That's correct.

20 Q. So when you indicated that had not
21 taken place that would be for the same reason?

22 A. Yes.

23 Q. Thank you.

24 A. It was to be a trip planned by Mr.
25 Lissard which would include Blind River. It would

1 cover both districts with the same flight.

2 Q. Right, thank you. Now, you indicated
3 earlier in your presentation that the evidence you were
4 going to be talking about here today and the
5 photographs covered essentially five townships which
6 you indicated on the map, and I think your statement
7 was that that area comprised about 150 square miles.
8 Did I hear you correctly?

9 A. Yes. I estimated that a township is
10 six by six miles, which is 36 square miles times five,
11 correct.

12 Q. Thank you. In your opinion, I think
13 you stated that this area was fairly extensively
14 clearcut?

15 A. Yes.

16 Q. And I think later in your evidence
17 you indicated that that cutting had taken place over
18 approximately seven or eight years?

19 A. I would say it started in '85 or '86,
20 so I would say five years.

21 Q. I see. You would agree with me then
22 that that cutting would have taken place under the 1985
23 to 1990 timber management plans for the Blind River
24 District?

25 A. Yes.

1 Q. Thank you. With regard to photos 36
2 and 37 -- I'm sorry, I can leave that one, Ms. Seaborn
3 has already covered that. Those were the dump
4 pictures.

5 The next photo I would like to turn to is
6 No. 53, which is a single photograph you showed
7 indicating a number of small ponds it looks like or
8 small lakes. Now, you indicated in addressing that
9 photograph that you weren't sure which township it was
10 in?

11 A. That's correct.

12 Q. Have you actually visited these lakes
13 on the ground?

14 A. No, I haven't.

15 Q. I see. So when you said that they
16 were cold water lakes, that was an assumption on your
17 part?

18 A. Okay. It's an assumptiun probably.
19 Knowing the area, knowing other lakes in the area they
20 are predominantly speckle trout lakes, yes.

21 Q. You haven't actually been there to
22 confirm that?

23 A. No, I haven't.

24 Q. And it is my understanding that this
25 pond, the only one we can see very well in that

1 photograph, is the one in the middle.

2 It is my information that that pond shown
3 in the middle would be about two hectares in size.

4 Would that be about correct?

5 A. I don't know.

6 Q. Okay.

7 A. I can't give you answer.

8 Q. Do you know when this cut was carried
9 out?

10 A. I would think it was done in 1988.

11 Q. Okay. It is my information that this
12 area was cut over between 1985 and 1988. Would you be
13 able to confirm or did I agree with that?

14 A. No, I wouldn't.

15 Q. Okay. In any event, this cut was
16 some time prior to the time you took the photograph in
17 1988?

18 A. Correct.

19 Q. Thank you. Now, in relation again to
20 that photograph, you indicated that the Ministry had
21 spoken to you about buffers around lakes or you asked
22 the Ministry about that and they said that 30, 60 or 90
23 metre buffers are standard buffers around waterbodies?

24 A. The answer that I quote is always 30,
25 usually 60 and sometimes 90 metres.

1 Q. In stating that, do you know whether
2 the Ministry was referring to the 1988 fish guidelines,
3 the provisions of the 1988 fish guidelines?

4 A. No, I don't.

5 Q. Thank you. You also indicated early
6 in your testimony you made quite an effort to clarify
7 your position in relation to your evidence being
8 strictly your personal evidence here today--

9 A. That's correct.

10 Q. --and nothing to do with your
11 employment, but you did indicate that you had a call or
12 a number of calls, I am not sure which, from your
13 regional director. Was that a single call or more than
14 one call?

15 A. The calls were somewhere -- three or
16 four calls. They were in the same week or two-week
17 period in which I was talking to Ron Lissard about
18 organizing the slide show, and the call from my
19 director was, in my opinion, directly a result from
20 having talked to Ron and then Ron subsequently called
21 my supervisor who then called me because the calls were
22 with 10 or 15 minutes of each other on a very frequent
23 basis. Like, as soon as I had a call from Ron and hung
24 up, shortly thereafter I got a call from my director.
25 That's my connection.

1 Q. Did you intend to imply by that that
2 Mr. Lissard was in any way attempting to silence you or
3 to cut you off from your discussions with the Ministry
4 of Natural Resources?

5 A. My opinion is yes, that there was --
6 I don't know if it was a deliberate attempt, but I felt
7 there was some intimidation in that.

8 In fact, there was specific statements
9 that for some reason I shouldn't utilize the slides I
10 have which show my sawmill. I don't understand the
11 relevance or importance of that, but that was one
12 specific comment as a result of those calls.

13 Q. This was a statement by your regional
14 director to you?

15 A. Yes.

16 Q. And did your regional director
17 indicate to you why he or she was calling you or
18 indicate at any time that this was a result of anything
19 Mr. Lissard may or may not have said?

20 A. My feeling is, yes, that's the case
21 and the reason being that when I left to go to that
22 slide show, which was held for the sake of the NDP, I
23 left at about 11:30, I filled out a leave form to make
24 sure I was covered and I had a note when I came back on
25 my desk from the regional director general that I was

1 to go and see him.

2 That was the comment made to me, that he
3 had received a call showing concern about this slide of
4 mine which had the photo of my sawmill in it. I felt
5 there was a very direct connection from the
6 conversation with the regional director general.

7 Q. Did you ever discuss that with Mr.
8 Lissard?

9 A. No, I didn't.

10 Q. Did you ever discuss it with your
11 regional director?

12 A. Yes, I did with the regional general
13 director. In fact, I said if he felt there was enough
14 concern that maybe I shouldn't go ahead with the slide
15 show. He said, the fact being it is too late and
16 people are here to see it, that it should be carried
17 out.

18 Q. He was encouraging you to go ahead
19 with the slide show?

20 A. At this point, yes, which was just a
21 very short time before it took place.

22 Q. I see. You have no -- beyond your
23 impression of the events, you have no direct evidence
24 or indication that Mr. Lissard was in any way asking
25 your regional director to stop you from making this

1 presentation?

2 A. Most definitely not.

3 Q. Thank you. Now, with regard to the
4 clearcuts that you have been discussing in the Blind
5 River District, you express some concern over the size
6 of the clearcuts in Havrot Township and other areas in
7 Blind River.

8 Have you taken an opportunity to review
9 the new timber management plan or any of the new timber
10 management plans for Blind River District?

11 A. Which would be the 1990 plan?

12 Q. 1990 to 1995.

13 A. No, I haven't.

14 Q. Thank you. You also made a number of
15 statements in relation to utilization of tops and other
16 portions of the wood that you have shown in various
17 slides here for chips or you felt that some of this
18 wood could be used for chips.

19 You indicated in response to Mr.
20 Cassidy's questions that you are not in any way
21 purporting to have any expertise in mill processes. Am
22 I correct that you are not familiar with Industry
23 standards for chips?

24 A. Correct.

25 Q. And you haven't had any discussion

1 with Industry about the marketability of chips that
2 could be produced from the type of materials you have
3 shown or economics of hauling those particular piles to
4 mills?

5 A. No, I haven't.

6 Q. Thank you. Could you turn to
7 photograph 56, please, which is the one of the
8 windrows.

9 A. Yes.

10 Q. You indicated there that the AOC was
11 not acknowledged, the AOC along the creek shown in the
12 background. It's a little hard to see.

13 A. Yes.

14 Q. Do you know when that cut took place?

15 A. In this series of photos, I think you
16 just told me it was cut between '85 and '88. You made
17 reference to the photo with the lakes and the two
18 hectare pond as you referred to it.

19 Q. Yes.

20 A. This is the same --

21 Q. Same area?

22 A. Portion of the same cut, yes.

23 Q. So this was between -- I'm sorry?

24 A. I think you said '85 to '88.

25 Q. Yes, that general area it is my

1 information is when it was cut. You don't know the
2 exact year of this particular cut?

3 A. No, I don't.

4 Q. But, again, it would be under the '85
5 to '90 operating plan?

6 A. Definitely.

7 Q. Thank you. Do you know what the
8 prescription was for that area?

9 A. No, I don't.

10 Q. Do you know whether there was an area
11 of concern or any kind of a reserve specified along
12 that?

13 A. No, I don't.

14 Q. Okay, thank you. So when you said
15 area of concern, that was your area of concern, if I
16 can put it that way?

17 A. Yes, I guess I interpret the streams
18 and lakes are to have areas of concern or perimeters
19 left around them. They should not be cut to the edge.

20 Q. Thank you. In relation to photos
21 photos 57 and 58, which are the photographs of strip
22 cuts.

23 A. Yes.

24 Q. You said I think in reference to
25 those photographs that you thought perhaps they were

1 sample plots, they were fairly small?

2 A. Yes.

3 Q. It is my information that these are
4 in fact strip cuts on conservation authority land
5 within the City of Sault Ste. Marie. Are you able to
6 confirm that?

7 A. I will confirm that they are not,
8 that they were taken in the same flight of the previous
9 pictures which show the lakes that were clearcut to the
10 edge. The last photo you referred to with the strip of
11 trees or row of trees, they were taken adjacent to each
12 other.

13 Q. So this area is not -- now, when I
14 say within the city I don't mean right within the city,
15 I mean within the boundary of the city.

16 It is my information that in Sault
17 District there have been strip cuts for some period of
18 time and in fact these are strip cuts carried out by
19 the conservatoin authority on their lands for purposes
20 of obtaining cedar for their demonstration mill.

21 Are you in a position to confirm or
22 disagree with that?

23 A. I won't disagree with it. I just
24 know they were taken in the same flight at the same
25 time as the previous photos.

1 Q. Okay, thank you. Did that flight
2 originate from Sault Ste. Marie, by the way?

3 A. Yes, from Sault Ste. Marie to
4 Noondorf Lake and return.

5 Q. In relation to photos 81 and 82, if
6 you have those convenient.

7 A. Yes.

8 Q. You indicated in relation to that
9 that this was a firewood operation and I think you
10 clarified in response to a question from Mrs. Koven
11 that this is not the Diel Lake situation you also spoke
12 of, but a separate operation?

13 A. Correct. This is the Wawa District
14 adjacent to the Lake Superior Provincial Park.

15 Q. Right. And you indicate that one
16 would require basically a four-wheel drive vehicle to
17 access this area?

18 A. At this point because of the
19 condition of the road, that's correct.

20 Q. Right. Now, you did indicate that
21 you were aware this was a commercial fire wood permit.

22 The additional information in relation to
23 this that I have is that in fact this was a small
24 volume commercial firewood license for which the
25 stumpage was paid in advance and, in fact, a small

1 amount of wood was cut at which time the operator found
2 that the hill you spoke of became unsuitable for
3 hauling and he was unable to remove the wood which had
4 in fact been cut and the operation was stopped.

5 Can you confirm or refute with that?

6 A. It may well be very correct.

7 Q. Thank you. In relation to photo No.
8 91, you indicated I think that this was a small pond,
9 very small pond?

10 A. Yes.

11 Q. And, again, your evidence in relation
12 to this was in regard to buffers around waterbodies.

13 It is my information that this pond we
14 see here is about one hectare size and that in fact
15 there is no water flowing in or out of this upon, it is
16 essentially a little pothole. Can you confirm that?

17 A. This is correct, and I think my
18 intent in showing this is that these may well be
19 perfect opportunities to break up clear cuts.

20 Q. I see.

21 A. I am not saying that this is
22 necessarily wrong. I am trying to imply that if there
23 is something we can do remedy these massive clearcuts,
24 these may be ideal situations where that could be done.

25 Q. Thank you. And, again, can you

1 confirm the year this was cut?

2 A. I would guesstimate '88; '87 or '88.

3 Q. Okay. Your photo list indicates you
4 took the picture in 1990. It is my understanding that
5 that was cut about 1986. Would that --

6 A. Could well be, yes.

7 Q. Okay, thank you. In relation to
8 photos 100 and 101, these are the photos of the black
9 spruce family test area. I think you indicated in your
10 evidence that you weren't really clear of the details
11 on this, but that in your opinion you didn't see very
12 many black spruce trees growing in the area, in fact
13 you saw jack pine?

14 A. That I didn't see any black spruce.
15 It's primarily jack pain, correct.

16 Q. I believe you indicated that you had
17 assumed the pegs implanted in that area, the pins, you
18 felt those were the planting sites?

19 A. I felt they were part of the plot,
20 and in not being able to find black spruce I went to
21 those specifically to see if that was the case, yes.

22 Q. I see. It is my information that
23 this is in fact a progen area planted in 1989 with
24 black spruce container stock which would have been
25 still very small at the time this photograph would have

1 been taken in 1990 and that in fact a fair number of
2 the trees didn't survive a drought in the area in the
3 summer of 1989.

4 The area was planted for test -- progeny
5 tests, not regeneration and that the spruce which have
6 died would have to be replaced and that the jack pine
7 volunteers in the area would have to be removed, that
8 two test box of five acres year or four hectares in
9 total were planted with about 10,000 to 12,000 black
10 spruce planting stock.

11 Are you able to confirm or refute that?

12 A. No, that may well be the case.

13 Q. Okay. You didn't make any inquiries
14 of the Blind River District in relation to that?

15 A. No, I didn't.

16 Q. Are you aware of the drought in that
17 area in the summer 1989 or that it was a dry summer?

18 A. I am aware of it and I think it has
19 enhanced some of my concerns that clearcutting these
20 hills and then should a drought appear, further creates
21 problems in regeneration and replanting. It also
22 enhances probably the problems of erosion in my
23 opinion.

24 Q. Then, again, you indicated in
25 response to Mr. Cassidy that you are not an expert in

1 the area of erosion or soil?

2 A. No, I'm not.

3 Q. Thank you. In relation to photos 104
4 and 105, it is my information that this area was
5 scheduled for a prescribed burn but was unable to be
6 burned due to weather conditions, but that the area --
7 and that the area was in fact not planted.

8 I think you indicated during your
9 evidence that this was a plantation area. Are you able
10 to confirm or disagree with my information?

11 A. I would disagree with the information
12 in regards to photo No. 105. In fact, I was there, I
13 saw the planters crisscrossing the hill with the
14 planting mechanisms in their hands.

15 Q. What year would that have been?

16 A. I would say tentatively 1987 or 1988.

17 MADAM CHAIR: Take your time, Ms.

18 Blastorah.

19 MS. BLASTORAH: Sorry.

20 MADAM CHAIR: Mr. Martel and I were just
21 wondering where Mr. Freidin is when you need him.

22 MS. BLASTORAH: I actually tried to call
23 him yesterday and the phone was busy. Here I am.

24 MR. CASSIDY: He heard you were going to
25 call.

1 MS. BLASTORAH: I think he knew I was
2 going to call. I am almost done, thank heavens.

3 MS. BLASTORAH: Q. Photo 107. I may
4 expire at the end of this.

5 MR. MARTEL: You may just want to file
6 the rest.

7 MS. BLASTORAH: This may be the first one
8 where the lawyer dies at the end of the
9 cross-examination.

10 Q. Photo 107. You indicated that these
11 were containers from planting stock and you I think
12 indicated that you weren't aware of any explanation,
13 you said there may well be an explanation for this.

14 It's my information that -- well, first
15 of all, perhaps I can ask you. Are you familiar with
16 tree planting operations? Have you ever done any tree
17 planting work?

18 A. No, I have never planted trees
19 myself.

20 Q. It is my understanding that when
21 planters are preparing to carry out a plant that they
22 sort the containers of stock so that they are not
23 carrying a lot of excess weight in terms of empty pots
24 or pots containing dead container stock and, in fact,
25 - in areas such as those sorting areas you will find

1 empty containers and pots which contain either no
2 seedling or dead seedling.

3 I would ask you could to confirm that
4 these were in empty or dead seedlings that you found in
5 these pots?

6 A. Yes, and I think I gave that
7 explanation as a possible explanation and my concern
8 was the number of times that I had seen, which may well
9 be the case.

10 Q. Could you confirm for me that in fact
11 these are biodegradeable cardboard pots of the type
12 that are planted with the seedlings as opposed to
13 plastic pots?

14 A. Yes, they are paper.

15 Q. Thank you. Again, in relation to
16 photograph 111, you said I believe in relation to this
17 that this is an area of concern as you see it and you
18 believe -- I think you indicated that you believe this
19 was cut between 1985 and '86 or...

20 A. This area was later than that and I
21 would probably say '87 or '88.

22 Q. When you said AOC, do you know the
23 prescription for this area or, again, is that your --

24 A. No, I don't. Again, I am saying if
25 we can break up clearcuts, this is to me a perfect

1 opportunity to enhance wildlife and leave more of a
2 forest around these areas.

3 Q. In relation to photograph 119, could
4 I just ask you to compare that to photograph 83. I
5 believe it's the same photograph, just a close up of
6 the same thing. I would just like to confirm that. It
7 is just the same photograph just cropped slightly
8 differently. It has got this white stump or whatever
9 it is in the foreground. It appears to be exactly the
10 same.

11 A. Yes, I would agree with you.

12 Q. Thank you.

13 A. I guess they were taken at two
14 different times and the later photo was a day trip to
15 some of the areas I visited previously.

16 Q. You have indicated a number of times
17 that you don't really object to clearcutting per se,
18 that you feel that the cuts should be broken up and
19 things like natural streams or wet areas could perhaps
20 be obvious places used to break up the cut.

21 Have you reviewed or are you familiar
22 with the provisions of the timber management guidelines
23 for the protection of fish habitat or timber management
24 guidelines for provision of moose habitat?

25 A. I have those guidelines at home and I

1 have read them at one time, but to say I am conversant
2 with them, no, I'm not.

3 Q. Thank you. Lastly, you have spoken a
4 number of times about wood that has been left standing
5 in various cut-overs and your sense that that leaves a
6 hazard, also that some of the slash piles and so on
7 that had been left on various sites could be removed
8 and utilized.

9 Is it your belief that all of the slash
10 or tops or anything like that should be removed from
11 the cut-over and put to some use so that the cut-over
12 is cleaned essentially?

13 A. No, I don't think that's necessary.
14 I think the process in scarification and prescribed
15 burns should take care of that, but I think if there is
16 timber left to be handled by burning or scarification,
17 then to me it is too large to be left and could well
18 have been utilized.

19 Q. Would that include cull material or
20 unmerchantable species?

21 A. Cull material may be some exceptions.

22 Q. Would you agree that in some cases of
23 unmerchantable species where there is no market for the
24 material it's a considerable expense to the operator to
25 remove that material when he may well have nothing that

1 he can do with it?

2 A. I can agree with you in part of that.
3 I'm not sure that that justifies that it should be cut
4 down and left in the bush. I feel that there is a use
5 for it. If not by the logging operator, then I don't
6 understand why individuals who might have a use for
7 that; i.e., firewood or their own purposes, that there
8 is not an availability of it.

9 Q. And, again, would you agree that
10 there might be situations where in the cases of, for
11 instance, softwood, where there is no market locally
12 for softwood pulp -- excuse me.

13 Would you agree that in some situations
14 there might not be a market for that, even for
15 firewood, for instance, in the Sault Ste. Marie
16 District it might be difficult to sell softwood pulp
17 for firewood?

18 A. Yes.

19 Q. Thank you.

20 MS. BLASTORAH: Those are my questions.

21 MR. MARTEL: If I can just pick up on
22 that, though.

23 Are you suggesting that we should leave
24 it on the stump then as opposed to knocking it down so
25 that it can be used for other purposes, whether it be

1 recreational, whether it be for habitat or a whole
2 series of other things rather than knock it down and
3 leave it there?

4 THE WITNESS: Most certainly, and I think
5 the primary example of that is the tamarack swamp. I
6 can relate to large stands of poplar that were left,
7 but subsequent because of the clearcut they were blown
8 down. They have no protection from the other trees and
9 end up as a blowdown situation. If there are large
10 pockets which can be left in tact and survive, I think
11 they should be left.

12 MR. MARTEL: What you are saying is you
13 cut what you can use?

14 THE WITNESS: Yes.

15 MR. MARTEL: As opposed to cutting for --
16 even to make it easier, let's say, to scarify, to make
17 regeneration somewhat easier as has been presented at
18 this hearing?

19 THE WITNESS: Most certainly.

20 MR. MARTEL: Thank you.

21 MS. BLASTORAH: One question following up
22 from that, Mr. Martel.

23 Q. You did indicate I believe, though,
24 in relation to a number of your slides, Mr. Oliver,
25 that you had some concern where, for instance, poplar

1 or birch was left standing in an area that was
2 otherwise cut-over or clearcut?

3 A. Yes.

4 Q. So you did have some concern about
5 the trees left standing as well?

6 A. Yes, I did and I --

7 MR. MARTEL: Dead trees I think he said,
8 though.

9 THE WITNESS: They ultimately became dead
10 because of the logging operation. Birch will not
11 withstand compaction of soil and that type of action
12 going on because the tree dies. I would think in that
13 case if they are going to die they should be utilized
14 or taken down in the process.

15 MS. BLASTORAH: Q. So in that case if
16 there is no market which would allow them to be
17 utilized, would you still feel they should be cut?

18 A. Definitely, if they are going to die
19 anyway. Those trees should be taken down.

20 I have a hard time with the fact that
21 there is no market. If not a commercial market, there
22 is nowhere where there is cottages or camping or people
23 who would utilize that wood if for nothing else but
24 firewood.

25 Q. You would agree with me that there

1 would be a cost involved in hauling that, though?

2 A. Yes, there would be a cost in hauling
3 it. I feel that people who have camps are more than
4 willing to go and remove it themselves and not be a
5 cost to the operator.

6 MS. BLASTORAH: Those are my questions.
7 Thank you.

8 MR. CASSIDY: I have a question arising
9 out Mr. Martel's question, Madam Chair.

10 Q. Mr. Oliver, would you not agree that
11 a scheme whereby you take the ones only that there is a
12 market for could cause it to -- what some call
13 high-grading?

14 A. Yes, I would.

15 MR. CASSIDY: That's the only question I
16 have.

17 MADAM CHAIR: Thank you, Ms. Blastorah.

18 MR. MARTEL: The assumption left on that
19 question, at least from my perspective, is that you are
20 going to high-grade only certain trees.

21 I don't think that's what you were
22 indicating at all. Maybe I'm wrong. Were you not
23 suggesting that if you can't use it -- I mean, I don't
24 think you were suggesting that one goes in to
25 high-grade only certain species.

1 THE WITNESS: I would interpret
2 hide-grading different than the perception left, I
3 would agree with you.

4 MR. MARTEL: That's my concern.

5 THE WITNESS: --is to go along a ridge
6 and take only specific trees that meet a certain
7 diameter and a certain requirement and taking only the
8 very best. I do not look at any of these photos in
9 conjunction of high-grading by leaving the poplar, et
10 cetera. There are two different things here.

11 MR. MARTEL: I was worried about the
12 perception. Maybe Mr. Cassidy will want to straighten
13 out his --

14 MR. CASSIDY: I am not trying to off
15 skate here. I am suggesting to the witness that a
16 scheme whereby you take only what you can use; that is,
17 in a particular mill process or certain diameter or
18 certain width is high-grading.

19 I am asking if he agrees with that and I
20 think you just indicated you do.

21 THE WITNESS: I may have and I realize
22 the perception, as Mr. Martel pointed out, is not what
23 I intended to leave you with.

24 If I was to think of a high-grading
25 situation, I would think it implies specifically to

1 veneer quality logs of a hardwood nature, and I cannot
2 refer my own situations to high-grading of softwood or
3 pulp wood because they usually take place in clearcut
4 operations.

5 MR. CASSIDY: So you do not consider a
6 situation of leaving standing timber because you can't
7 use it in your process to be high-grading?

8 THE WITNESS: Not if it's a large volume
9 of a specific species because there is no market for
10 that specific species.

11 MR. CASSIDY: So that should be harvested
12 notwithstanding there is no market for it?

13 THE WITNESS: I think it depends on the
14 situation and you can't make--

15 MR. CASSIDY: Right.

16 THE WITNESS: --a blatant or a standard
17 comment to apply to all scenarios.

18 MR. CASSIDY: That's my point. Thank
19 you.

20 MADAM CHAIR: Thank you very much, Mr.
21 Oliver.

22 Do you have anything?

23 MR. LINDGREN: Mr. Martel asked my one
24 question in reply.

25 MADAM CHAIR: Sorry, Mr. Lindgren.

1 MR. LINDGREN: That's okay.

2 MADAM CHAIR: Is there anything else you
3 wanted to ask your witness?

4 MR. LINDGREN: No, Madam Chair.

5 MADAM CHAIR: Thank you very much, Mr.
6 Oliver.

7 THE WITNESS: Thank you.

8 MADAM CHAIR: The Board appreciates you
9 coming down to Toronto today and all the effort you put
10 into your evidence.

11 THE WITNESS: Thank you.

12 MADAM CHAIR: Thank you very much.

13 We will adjourn and be back tomorrow
14 morning at 9 o'clock and we will hear from Mr. Benson.

15 MR. LINDGREN: That's correct.

16

17 ---Whereupon the hearing adjourned at 3:25 p.m., to be
18 reconvened Tuesday, January 8, 1991 commencing at
19 nine o'clock a.m.

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